

Decrees of the Ecumenical Councils

Volume One *Nicaea I to Lateran V*

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in consultation with H. Jedin

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Editor's Foreword

It is a great pleasure to be the final link in bringing these authoritative documents to the English-speaking public.

The book contains the original text with a facing English translation of all the decrees of all the twenty-one councils (Nicaea I in 325 to Vatican II in 1962-1965) which are regarded by the Roman catholic church — and by most other churches in the case of the first seven councils — as ecumenical (or general) councils¹. In addition, there is a brief introduction and bibliography for each council and explanatory footnotes.

Its significance is self-evident. The ecumenical councils form the most important part of Christian “tradition”. Therefore for Christians, at least for Roman Catholics, the book may be regarded as the most authoritative work in the world after the Bible. As well as their religious and theological significance, the conciliar decrees are documents of major historical importance.

Nothing comparable exists for English readers. This is the first translation into English of all ecumenical councils together, and the first to print such a complete English translation alongside the text.

Text

The text is a photographic reproduction of that contained in the latest edition of *Conciliarum Oecumenicorum Decreta*, ed. G. Alberigo and others, third edition, Bologna, Istituto per le Scienze Religiose, 1973 (= *COD*). This fine critical edition represents much the best text available and provides for the first time a reliable text for all the ecumenical councils. We are most grateful to Professor Alberigo and his co-editors for making their edition available to us. The only changes that we have made are to correct some of the (remarkably few) typographical errors, those which can be made readily in photographic reproduction.

Translation

There has been an urgent need for an English translation of all the ecumenical councils. For many councils, previously, English translations were available only in inaccessible or inadequate versions, or not at all. The publication of *COD* has provided a text from which an adequate translation of all councils is possible.

¹ For the distinction between “decrees” and “acts” of councils, and for the definition of “ecumenical”, see pp. xi and xv-xviii.

The translation is the work of 29 Jesuits from, or working in, the British Isles.
Namely:

Introduction	William Pearsall
Nicaea I	Edward Yarnold
Constantinople I	Robert Butterworth
Ephesus	Anthony Meredith
Chalcedon	Robert Butterworth
Constantinople II	Peter Gallagher
Constantinople III	John Moffatt
Nicaea II	Joseph Munitiz
Constantinople IV	Anthony Parish
Lateran I	Andrew Cameron-Mowat
Lateran II	Peter Burns
Lateran III	Frederick Turner
Lateran IV	Norman Tanner
Lyons I	Frederick Turner
Lyons II	Thomas Murphy
Vienne	Thomas Murphy
Constance	Norman Tanner
Basel — Ferrara — Florence — Rome	Joseph Gill
Lateran V	Peter McIlhenny
Trent	
— sessions 1-16	Peter McIlhenny
— sessions 17-25	John Coventry
Vatican I	Ian Brayley
Vatican II	
— Liturgy	Philip Endean
— Mass media	John Griffin
— The church	Clarence Gallagher
— Eastern catholic churches	Leo Arnold
— Ecumenism	Edward Yarnold
— Bishops	John Tracy
— Religious life	Peter Hackett
— Priestly formation	John Duggan
— Christian education	Anthony Forrester
— Non-christian religions	Leo Arnold
— Revelation	Robert Murray
— Laity	Ralph Woodhall
— Religious freedom	John Coventry
— Missionary activity	Michael G. O'Brien
— Priests	John Coventry
— The church in the world	John Mahoney

I am responsible for the final editing of the whole work. In a book of this size there are bound to be some errors: for these we apologise and will be most

grateful if any significant ones are brought to our attention. The aim has been to provide an accurate and readable translation, not a literary masterpiece.

The format and lay-out of the text in *COD* has been preserved as far as possible, except that very long paragraphs have been divided into shorter ones when possible. The capitalisation of the original has been preserved, except when this jars noticeably with modern English usage. Parentheses indicate supplied material (i.e. []). It should be noted that the words “council” and “synod” are synonymous: our policy has been to translate *σύννοδος* /*synodus* as “synod”, and *concilium* as “council”.

We have gone as far as we thought justifiable in the use of “inclusive” language. This was my decision but I had the support, sometimes enthusiastic, of most translators. To put it into effect has not always been easy and we apologise for any infelicities of style. Nevertheless most of us feel that the advantages greatly outweigh any disadvantages, in many respects. We have, however, been unable to find a convenient way round using masculine pronouns and adjectives for God.

Introductions and footnotes

Each council begins with a brief introduction and a bibliography. The introductions are translations of those in *COD*. The bibliographies are based on those in the same work, but we have tried to update them with the most important recent works, and we have noted English translations of the books mentioned.

The explanatory footnotes are also taken from *COD*, but we have tried to update the bibliographical references and have noted English translations of books, except for papal encyclicals and works of the fathers. English translations of all papal encyclicals since 1740 are conveniently found in *The Papal Encyclicals 1740-1981*, ed. C. Carlen, 5 vols, n.p. 1981. The most convenient guides to English translations of the fathers are: J. Quasten, *Patrology*, 3 vols. Utrecht 1950-1960; B. Altaner, *Patrology*, trans. H. C. Graef, Freiburg and Edinburgh 1960. Of the textual footnotes, only the more important ones have been included in the English translation.

Pagination

The pagination has been arranged so as to preserve the same page-numbers for the original text as are to be found in *COD*¹. The obvious reason is to facilitate reference to this original version. The facing page of English translation has the same page-number as the original text, but is distinguished by an asterisk (e.g., 1A1). In other respects the pagination runs consecutively throughout the book (though occasionally a page-number is omitted on account of the slightly different location of blank pages).

Acknowledgements

Our first and greatest debt is to Professor Alberigo and his co-editors for

¹ I.e. the third and latest edition (1973). Note that the pagination of the first (1962) and second (1962) editions is different from that of the third.

providing the original text from which our translation has been made. Without their labours our work would have been impossible. In this respect we also acknowledge with pleasure our debt to the numerous earlier writers and editors working on conciliar decrees who, in their turn, made *COD* possible.

Secondly, we acknowledge our debt to earlier translations of individual councils and collections of councils. Many of the decrees are difficult to translate and contain veritable minefields of theological, legal, historical and other problems. Our task has been rendered much lighter by being able to consult various existing translations, including a number in languages other than English. Of the English translations, those contained in the following works should be mentioned: H. J. Schroeder, *Disciplinary Decrees of the General Councils*, St Louis and London 1937; H. J. Percival, *The Seven Ecumenical Councils of the Undivided Church*, Oxford and New York 1900; W. Bright, *Canons of the First Four General Councils*, Oxford 1892; J. Mendham, *The Seventh General Council*, London 1849; *English Historical Documents*, general ed. D. C. Douglas, vol. 3 (London 1975) pp. 643-676, for Lateran IV; C. M. Crowder, *Unity, Heresy and Reform, 1378-1460*, London 1977; J. Waterworth, *Canons and Decrees of the Council of Trent*, London and New York 1848, *ibid.* 21888; H. J. Schroeder, *Canons and Decrees of the Council of Trent*, Freiburg 1941, Rockford 1978; C. Butler, *The Vatican Council*, London 1930; *The Documents of Vatican II*, ed. W. Abbott, New York and London 1966; *Vatican Council II: The Conciliar and Post Conciliar Documents*, ed. A. Flannery, Dublin and New York 1975.

Although we have received much help from the above translations (we apologise for any accidental breaches of copyright), the present translations are new and our responsibility. There is one exception: the translation of Vatican II's decree on ecumenism is an adaptation by Edward Yarnold taken from *The Vatican Council and Christian Unity*, by Bernard Leeming S.J., published and copyright 1966 by Darton, Longman and Todd Ltd., and is used by permission of the publishers. We acknowledge use of the Revised Standard Version in Biblical quotations, though we have not quoted from this version uniformly since the councils, especially in their use of the Latin Vulgate, were quoting from texts which at times varied considerably from those on which the RSV is based; the New Jerusalem Bible has been particularly helpful for "inclusive" language.

Our debts to individuals for help on particular points are far too numerous to mention, but our thanks to them are no less sincere for that. We thank Mr Martin Redfern of Sheed & Ward Ltd. for his patience and support at all stages; Fr John Breslin S.J. of Georgetown University Press, the co-publisher; Mr Bill Ireson of Bridgehead Publishing Services and Fakenham Photosetting Ltd. for their efficiency and considerateness in a typesetting operation of considerable complexity; Fr Brian Ferme for help on points of canon law. Finally, as editor, I thank all the translators for the speed and efficiency with which they produced their translations and for responding to my various other requests.

NORMAN TANNER

Campion Hall, Oxford

*Preface and Introduction of COD*¹

Preface

Pope John XXIII's convocation of the second Vatican council has provided an excellent opportunity for publishing the decrees of ecumenical councils. Indeed, in the last three years many works have appeared concerning both the whole history of the councils and particular aspects of individual councils. Nevertheless, no one-volume collection of all the decrees of all the ecumenical councils has appeared, despite the very great importance of the decrees for the church's doctrine and attendant discipline. Hence apart from the major definitions and declarations concerning matters of faith which are to be found in H. Denzinger's *Enchiridion Symbolorum*, the canons of the early councils must be extracted from the editions of Bruns, Lauchert and others, those for Trent from the officially authorised edition of Paul Manutius (which has often been reproduced, sometimes with errors being introduced, in subsequent years), and those for other councils from various ancient collections — I mention especially the Roman edition, Hardouin and Mansi — or from recent critical editions, for example those of E. Schwartz.

Since there still exists no single book which contains all the decrees of all the ecumenical councils concerning matters of faith and church discipline, this book is intended to fill the gap. It is not a collection of extracts for compiling a history of the councils, but rather as accurate a text as is presently possible of the canons and decrees of the twenty councils which are recognised by the Roman catholic church. Some explanation is needed here. For although only the twenty councils which are regarded as “ecumenical” are included, the editors are aware that this numbering is due more to custom than to any declaration of ecclesiastical authority. Moreover, in the early centuries of the church not only were the creeds and canons issued by councils generally considered to be of binding force, so were some other writings. Concerning the latter, it has not always been easy to decide whether to include them. The policy has been to omit particular decrees concerning administration, which are fairly frequent in the early and medieval councils. The editors are well aware that others might judge differently about how the texts should be chosen and collated. At present they limit themselves to saying that the material has been taken from the best printed

¹ *Conciliarum Oecumenicorum Decreta*, ed. G. Alberigo and others, Bologna 1973 (= *COD*). Apart from the paragraph in the Preface relating to the third edition, these sections are unchanged from the first (1962) and second (1962) editions.

editions currently available and that manuscript codices have been used only rarely, for example for the two councils of Lyons; that critical apparatus and explanatory notes have been restricted to what is really necessary; that the bibliographies in the introductions include only the more important works; that disputes about the authority and importance of various texts, as well as about theological and juridical questions, have been entirely omitted; and finally that the book is a collection of sources, not an exposition of the teachings and laws which issued from the ecumenical councils.

It only remains for us to say that we hope this book will be of help both to those who will be taking part in the second Vatican council and to theologians, historians and canonists who will need to have a proper knowledge of the decrees of ecumenical councils and to consult them frequently.

The suggestion to publish this book came from the Institute for the promotion of religious studies [in Bologna], called *Centro di Documentazione*. Cardinal James Lercaro, archbishop of Bologna and distinguished patron of the Institute and its library, has encouraged and supported our work by both word and deed. We thank him greatly for this. The present writer has been responsible for deciding the format of the edition and for apportioning the work among the collaborators. Giuseppe Alberigo, secretary of the Institute and professor of the University of Florence, put into order the various parts of the volume and edited the councils of Basel — Ferrara — Florence — Rome, Lateran V and Vatican I. Professor Perikles-P. Jouannou, of the University of Munich, edited the first eight councils; Claudio Leonardi, of the Vatican Library, edited the medieval councils, Lateran I to Vienne; Professor Paul Prodi, of the University of Bologna, edited Constance and Trent. Each of the four collaborators is responsible for his section of the work.

To conclude, I would like to recall that in the great apse of the council hall of St John Lateran — which no longer exists but in which the five Lateran councils were held — there was a mosaic of Christ together with his mother and the apostles Peter and Paul, and paintings of the other apostles in the smaller apses. By these images the Roman church wished to signify that the councils were assembled there to proclaim the apostolic tradition and were to have supreme authority to teach, the root and foundation of which is contained in those words of the apostles gathered together at the first council of the church, under the guidance of Peter the shepherd of the lambs and sheep: “It has seemed good to the holy Spirit and to us...” (Ac 15, 28).

HUBERT JEDIN

In this third edition, certain texts pertaining to the first five councils have been substituted or added (under the direction of J. A. Dossetti); the texts of the constitutions, decrees and declarations of Vatican II have been included (under the direction of G. Alberigo); the bibliographies have been updated; and the indexes have been completely re-done.

HUBERT JEDIN

Introduction

When, in 1959, pope John XXIII announced the convening of the second Vatican council, he exhorted the whole church to consider the great importance of the major councils and their history; and especially the importance of those decrees which constitute sources of Christian doctrine and tradition. An added impetus has been given to this call by the remarkable progress of interest and activity in the restoring of Christian unity, through which it has become increasingly clear what a powerful influence the councils exercise in increasing the universal church's own self-understanding.

With these considerations chiefly in view, this Institute, which is called *Centro di Documentazione*, has undertaken the task of carrying out the research and scholarship necessary to produce the present book. The Institute, from its very beginning ten years ago, chose as its own specialisation within the broader field of religious studies, the critical investigation of the history and teaching of the councils. It was hoped that such a work of scholarship would also help to enrich and illuminate the life of the whole church.

The authoritative character of the decrees of ecumenical councils has not always been properly evaluated¹. What real influence have these decrees had in the past and especially in our own time on the teaching, legislation and institutes of the church or on the consciousness of Christian people themselves? Indeed, not much. And where there has been some influence, it has usually been indirect. When, for example, in collections of medieval canonical records, we find excerpts from conciliar decrees, these will probably have been chosen not with any reference to their historical context or meaning, but because of their relevance to an emerging doctrinal position. So, in fact, the promulgation of the decrees of Trent, by their very authority, had the effect of bringing into ever increasing neglect, both in discipline and doctrine, the venerable tradition of all the councils that went before it. And in the same way the Code of Canon Law of 1917 seemed by its very structure to consign to oblivion laws and procedures which previously had been determined by very different methods.

Only historians who have specialised within this field have sufficiently pursued research leading to critical editions of the acts of individual councils (Schwartz and editions of Constance, Basel, Florence and Trent)². But we are dealing in this area with research either only just begun or completed some time ago, so much so that the most recent edition of conciliar sources is a facsimile edition (still commendable in itself) of the *Amplissima Collectio* of J. D. Mansi.

Scholarship in this area seems naturally related to the sort of history of the councils which K. J. Hefele produced and which his successor H. Leclercq enlarged and translated into French. This work remains a conspicuous aid to

¹ See a recent short study: P. Fransen, *L'autorité des conciles*, Problèmes de l'autorité, Paris 1962, 58-100.

² See H. Jedin, *Nouvelles données sur l'histoire des conciles généraux*, Cahiers d'histoire mondiale 1 (1953) 164-178.

study, but not adequate to meet modern requirements. More recently, following some important editions of sources, such histories as H. Jedin's monumental study of the council of Trent or J. Gill's work on Florence have been published. In works of this kind, light has been shed upon the great tradition of the councils by the application of modern methods of historical scholarship.

The last ten years have seen a flourishing in the publication of articles and monographs designed to meet various specialist requirements — theological, historical, canonical — and dealing with particular historical events or individual texts. Certainly these developments have brought a great advance in scholarship, but they have tended to draw the efforts of the specialist and the attention of the general student towards areas dense with accumulated detail, rather than to a point of vantage from which the full breadth of the tradition of the councils can be comprehended and reflected on⁵.

The events of the past decade have themselves also added new impetus and interest to the study of the councils, indeed to the very question of what place the councils should hold in the mind of the church. Many recent summaries of conciliar history have been produced among which might be mentioned as especially noteworthy those by H. Jedin, F. Dvornik and P. Meinhold⁴. To these should be added written collections of a more occasional nature, generally academic, often designed for teaching purposes³.

Within the context of this general flowering of interest in conciliar history which has occurred in our time, this volume has been produced to provide a complete edition of all the decrees of the general councils from Nicaea I to Vatican I. Our aim has been primarily to provide for the serious student an aid to research and reflection in which the texts might speak for themselves. To this end editorial interference has been kept to an absolute minimum. It is our hope that an edition of this kind will not only fill an obvious bibliographical gap⁶, but

⁵ We cannot here enter into the debate on the underlying methodology of three admirable books on the council of Chalcedon which appeared towards the end of the fifteenth century. Questions concerning the arrangement and harmonising of their parts are far from settled.

⁴ H. Jedin, *Kleine Konziliengeschichte. Die 20 Ökumenischen Konzilien im Rahmen der Kirchengeschichte*, Freiburg 1959-1962, which has been translated into Italian, French, English (*Ecumenical Councils of the Catholic Church: An Historical Outline*, trans. E. Graf, Freiburg, Edinburgh and London 1960), Spanish, Portuguese and Dutch; F. Dvornik, *The General Councils of the Church*, London 1961; P. Meinhold, *Konzile der Kirche in evangelischer Sicht*, Stuttgart 1962.

⁵ One early collection of this kind contained the papers read by scholars meeting at the Benedictine monastery of Chevetogne in 1959: *Le concile et les conciles*, [ed. O. Rousseau], Chevetogne 1960. The authors are: B. Botte, H. Marot, P. T. Camelot, Y. Congar, H. Alivisatos, G. Fransen, F. de Vooght, J. Gill, A. Dupront, R. Aubert; some of these studies are hardly more than historical commentaries.

⁶ The present edition differs very considerably in methodological principle from *Enchiridion Symbolorum* of H. Denzinger and other similar books. Our principle has been to provide all the texts in their entirety and not to choose particular extracts to fit a predetermined programme. This is a principle of historical scholarship, and it was never our intention to set forth the fundamentals of systematic theology.

will help to further and inform that widespread interest in the councils of which it is itself an expression. Above all, it has been our particular intention that this collection of decrees — of those very texts through which the authority of the ecumenical councils is solemnly expressed and which, by their very nature, possess a significance transcending the historical conditions in which they were formed — might be of use to the fathers who will be labouring in the present council. For such convenient access to the decrees of past councils will provide a source of reference in which the conciliar tradition of the church can be thoroughly grasped on any given subject.

Obviously a work such as this could not be undertaken until many preliminary issues were settled. Anyone acquainted with conciliar history will have observed the significant differences which exist between one council and another. Thus, in the editing of this work, considerable dissimilarities had frequently to be reckoned with, even between councils which follow close on one another. The editors have adopted a principle of respect for such differences whereby the particular characteristics of each council might be preserved (we have, however, introduced appropriate footnotes for purposes of further reference where this has seemed useful)⁷. This, then, is the methodological principle by which the many differences and discrepancies, which not only express but indeed form the distinctive character of a particular council, have been preserved for the reader.

These differences are especially noticeable with respect to language and style. No attempt has been made to reduce these elements to some sort of uniformity; rather the language of each period has been preserved⁸. However, in establishing which are the actual texts containing the decrees, diverse methodologies and criteria had to be adopted, according as the texts were early, medieval or modern. For if the distinction between decrees (*decreta*) and acts (*acta*) is an easy one to establish in the more recent councils, this is by no means the case with those of the early⁹ and medieval periods.

Our purpose in editing the texts has been to present *all* the decrees of the councils and *only* the decrees. For this reason some very important texts

An edition, with a commentary, of all the decrees of the ecumenical councils up to Lyons II was produced — in Latin only — by J. Catalanus, *Sacrosancta concilia oecumenica prolegomenis et commentariis illustrata...*, 4 vols. Rome 1736-1749. The work of H. J. Schroeder, *Disciplinary Decrees of the General Councils. Text, Translation and Commentary*, St Louis and London 1937, contains the disciplinary canons of the first eighteen ecumenical councils.

⁷ Consistent with the historical principles of this edition, we have omitted the concordances of canonists, for example the ancient Byzantine concordance. We have employed capital letters only for the proper names of people and places and for the various names that refer to God.

⁸ Regarding the conciliar decrees which were originally composed in Greek, we have used those versions which were most widely in ancient use in the eastern church.

⁹ Regarding the tradition of the eastern church concerning the decrees of the ecumenical councils which possess a sacred trustworthiness and authority, we have examined: I. Karmiris, Τα δογματικά και συμβολικά μνημεία τῆ ὀρθοδόξου καθολικῆ Ἐκκλησίας . Ἐκδοσι δεύτερα ἐπτηυξημένη καὶ βελτιωμένη, I Athens 21960, which provides, for the first seven councils, a collection of the texts containing dogmatic decrees.

have had to be omitted, for example the anathemas against Origen formerly attributed (erroneously) to Constantinople II, or the charges on which pope Honorius was condemned (as these relate to the acts, not the decrees, of Constantinople III), or the profession of faith of pope Hormisdas which was a condition of admittance required of the council fathers at Constantinople IV, but does not appear to have been formally approved by the council. When we come to the councils of the Middle Ages, it becomes very difficult indeed to establish a complete and sound text for a particular council (Vienne is an example) and to distinguish between official conciliar decrees on the one hand and on the other, papal statutes drawn up at the same time but promulgated outside the council. As for Constance and Basel, we felt that the editorial principles we have adopted were best served if many decrees relating to administrative matters, or of a merely occasional nature, or entirely divorced from the real work of the council in question, were omitted. These decrees (especially in the case of Constance) were necessitated by the lack of a single uncontested pope who could earn' on the day-to-day business of the church. We have nevertheless indicated these missing texts in their appropriate places.

The distinction between acts and decrees rests on this: the decrees possess on their own merit an authoritative force and validity which exists within the context of the whole of revelation (the analogy of faith) and are not simply products of the historical circumstances from which they originate. For this reason they are proper objects of consultation by the faithful.

This does not mean that either the discussions or the debates, or any of the historically and socially conditioned features which the acts of the councils reveal to us, should be neglected¹⁰. Nevertheless, the altogether special status of those declarations which have been formally and solemnly approved by the councils is to be acknowledged as distinct from all other indications of opinion and intention, of whatever significance, which, for whatever reasons, did not receive official conciliar approbation. This distinction is of utmost importance to those who profess the mystery of the church and its essential character as something which transcends the merely human.

A further question concerns sources. Sometimes we have used existing critical editions, providing only those variant readings which are of importance to the understanding of a passage. This procedure has been followed thoroughly in the case of the decrees of Ephesus, Chalcedon, Florence, Trent and Vatican I, and furthermore with the canons of the other early councils, which have been taken from the critical edition of P-P. Joannou¹¹. For the rest, we have tried to

¹⁰ We had thought of including a glossary, which would have been an obviously useful aid in the correct interpretation of the texts, but we were compelled by considerations of the time available to us, and the space, to postpone the project to a future date. [Editor's note. — For Vatican II, see *Indices verborum et locutionum*, 15 vols, so far, Istituto per le Scienze Religiose, Bologna and Florence 1968—; and for Lateran 1 to Vienne, see the concordances by M. Mollat and P. Tombeur mentioned below in the bibliographies of these councils.]

¹¹ *Les canons des conciles oecuméniques*, ed. P-P. Joannou (Pontificia commissione per la redazione del codice di diritto canonico orientale. Fonti. Fasc. IX: *Discipline générale antique*

establish the texts ourselves, using the most trustworthy editions available and applying the results of recent critical scholarship. Where necessary the entire body of manuscript tradition has been consulted in order to provide the first critical text; this has been undertaken by C. Lconardi. It should be evident that, with regard to textual criticism, we could not always handle our materials in the same way, but were obliged to adapt ourselves to the varying states of existing research and to the various difficulties which the effect of time and circumstance have imposed on many of the sources. Thus while, on the one hand, the decrees of Trent are to be found in an admirably complete and correct form in the official text approved by Pius IV, the decrees of Lyons and Vienne, on the other hand, have, through the subsequent emendations and alterations of papal canonists, lost much of their original form. These problems are treated in the individual introductions¹².

As far as the arrangement of the material is concerned, our method is based purely on historical (rather than dogmatic or canonical) considerations. Thus the decrees are presented to the reader just as they are to be found in the original approved texts of the councils. We have omitted later adaptations and alterations, coming especially from the medieval period onwards, which in most cases were made by canonists¹³. Neither have we entered into the controversies surrounding some decrees as to whether or not they received the approval of the bishop of Rome. For this reason, plainly, we have included canon 28 of the council of Chalcedon, the decree "This holy synod..." (*Haec sancta...*) of the 5th session of the council of Constance, and the decrees of sessions 1-25 of the council of Basel. Questions arising from these passages are treated briefly in the introductions to these councils, and further discussion is indicated in the respective bibliographies. By the same criterion we have included, as a matter of historical record, the decrees of certain councils whose ecumenical status and authority have been much contested (perhaps rightly), for example the first, second and fifth Lateran councils.

From the first preparatory stages of this work we considered, as the weightiest of the questions we had to deal with, the question of conciliar ecumenicity; nor does any clear resolution of the matter yet seem possible. The investigations of scholarship, involving in this case both historical and theological considerations of great complexity, remain in an uncertain state. They are far from being able to provide certain and reliable criteria by which the ecumenical authority of a

[//e-IXe \$.] tome I part I), Grottaferrata 1962. We thank cardinal Peter Gregory XV Agagianian, president of the said pontifical commission, for enabling Perikles Jouannou to become a collaborator in our work.

¹² On this subject the works of S. Kuttner are an outstanding guide; we also recommend a recent study by C. Andresen, *Geschichte der abendlandischen Konzile des Mittelalten*, in *Die Okumenischen Konzile der Christenheit*, ed. H. J. Margull, Stuttgart 1961, 75-200.

¹³ For this reason we have omitted headings of the decrees, principally those of the Middle Ages and of the council of Trent, which were added by later generations of editors and canonists, chiefly for use in the courts, and which often distort the substance of the decrees.

particular council can be determined.¹⁴ This being the case, we considered the fairest course to be (though this is at best a provisional solution) to hold to the list of councils which, on the authority of Cesare Baronius, has come to be accepted in the common usage of Catholics. For this reason, and for others which are explained in the appropriate places, we have included the fourth council of Constantinople (869-870) summoned against Photius, which, although it was the first of those rejected by the eastern churches and was abrogated by another council in 879-880, was accepted into the official corpus of decrees by Roman canonists as early as the Gregorian period. Likewise are included, as mentioned above, the first, second and fifth Lateran councils, while other councils, in themselves of great importance historically, must be omitted, for example Toledo XI and the council of Trullo (Quinisext).

It seems undeniable that theological investigations into the problem of conciliar ecumenicity, at a time of ardent and growing concern among all Christians for the unity of Christ's church (even if we cannot see the end results), reveal a tendency to arrange the councils in a particular order of importance and to distinguish among them according to the degree in which they embody a greater or lesser ecumenical authority¹⁵. So far from rejecting such a fruitful principle, we desire in this work to encourage it and give it wider scope. Anyone who examines these texts, even seeing them for the first time gathered together in one place, cannot fail to notice the great differences between them which the astonishing range and variety of historical circumstances have occasioned. For those who are conscious of these differences, it will be easy to see how broad is that principle of ecumenicity which accords with the mystery of the church in all the wonder of its historical character, the mystery within which the manifold events of the councils actually took place.

The scholarly efforts of the editors and the members of our Institute will not have been in vain if in any way this work helps to recall the minds of Christian people to the distinguished tradition of the councils and reveals to them something of its richness, power and efficaciousness in the life of the church.

Sincerest thanks are due to J. Dossetti and H. Jedin for the kindly and most helpful advice with which they have accompanied this work at every stage, from its beginning to its completion. Thanks are likewise due to C. Colombo, A. Franceschini, S. Kuttner, J. Leclercq and J. Straub; and to A. Ghiselli, C. Mercier, P. S. Zanetti, B. Ulianich, G. Wiet and G. Zoffoli, who helped in the revising and correcting of the texts.

14 Recent studies in this area include: Y. Congar, *L'oecuménicité des conciles*, in *Le concile*, 314-319; C. Vagaggini, *Ossessioni intorno al concetto di concilio ecumenico*, *Divinitas* 5 (1961) 411-430; for the opinions of theologians of the eastern churches on this question, see: *Procès-verbaux du premier congrès de théologie orthodoxe à Athènes 29. XI.-6. XII. 1936*, ed. H. S. Alivisatos, Athens 1939, 256-297; E. Helmle, *Die allgemeinen Konzilien in der Ostkirche*, Rome 1945.

15 See the excellent study of Y. Congar, *La primauté des quatre premiers conciles oecuméniques. Origine, destin, sens et portée d'un thème traditionnel*, in *Le concile*, 75-109.

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GIUSEPPE ALBERIGO

Abbreviations

Bible

The Latin abbreviation, if different, is given in brackets.

Ac	Acts	Jos (Ios)	Joshua
Am	Amos	Ju (Iu)	Jude
Ap	Apocalypse/Revelation	1 Kg (1 Rg)	1 Kings/1 Samuel
Bar	Baruch	2 Kg (2 Rg)	2 Kings/2 Samuel
1 Chr (1 Par)	1 Chronicles	3 Kg (3 Rg)	3 Kings/1 Kings
2 Chr (2 Par)	2 Chronicles	4 Kg (4 Rg)	4 Kings/2 Kings
Col	Colossians	Lk (Lc)	Luke
1 Cor	1 Corinthians	Lm	Lamentations
2 Cor	2 Corinthians	Lv	Leviticus
Dn	Daniel	1 Me	1 Maccabees
Dt	Deuteronomy	2 Me	2 Maccabees
Ec	Ecclesiastes	Mic	Micah
Ecli	Ecclesiasticus	Mk (Mr)	Mark
Eph	Ephesians	Ml	Malachi
1 Es	1 Esdras	Mt	Matthew
2 Es	2 Esdras	Nh	Nahum
Est	Esther	Nm	Numbers
Ex	Exodus	Ob (Ab)	Obadiah
Ez	Ezekiel	Ph	Philippians
Gal	Galatians	Phi	Philemon
Gn	Genesis	Pro	Proverbs
Hab	Habakkuk	Ps	Psalms
Hag	Haggai	1 Pt	1 Peter
Heb	Hebrews	2 Pt	2 Peter
Hos (Os)	Hosea	Rm	Romans
Is	Isaiah	Rt	Ruth
Jas (Ic)	James	Sg (Cn)	Song of Songs
Jdt (Idt)	Judith	Tb	Tobit
Jer (Ir)	Jeremiah	1 Th	1 Thessalonians
Jg (Id)	Judges	2 Th	2 Thessalonians
Ji (II)	Joel	1 Tm	1 Timothy
Jn (Io)	John	2 Tm	2 Timothy
1 Jn (1 Io)	1 John	Tt	Titus
2 Jn (2 Io)	2 John	Wis (Sap)	Wisdom
3 Jn (3 Io)	3 John	Zc	Zechariah
Jnh (In)	Jonah	Zp	Zephaniah
Job (Ib)	Job		

Others

AAS	<i>Acta Apostolicae Sedis.</i>
ACO	E. Schwartz, <i>Acta Conciliorum Oecumenicorum</i> : tome I <i>Concilium universale Ephesinum</i> (5 vols.); tome II <i>Concilium universale Chalcedonense</i> (6 vols.), Berlin and Leipzig 1927-1932.
Asd	<i>Acta scitu dignissima docteque concinnata Constantiensis concilii celebratissimi</i> , ed. Jerome of Croatia, Haguenau 1500.
ASS	<i>Acta Sedis Sanctae</i>
Benesevic	W. Benesevic, <i>Sinagoga v 50 titulov i drugie iuridiceskie zbomiki Joana Scholastika</i> , St Petersburg 1914.
Bettenson ²	H. Bettenson, <i>Documents of the Christian Church</i> , Oxford 21967.
Bl	S. Baluze (Balutius), <i>Nova collectio conciliorum</i> .. tome I Paris 1683.
Bn/BN123	S. Binius, <i>Concilia generalia et provincialia</i> ..., 5 vols. Cologne 1606; 9 vols. ibid. 21618; 11 vols. Paris 31636.
Br	C. Baronius (continued by O. Raynaldi), <i>Annales ecclesiastici</i> , ed. J. D. Mansi, 38 vols. Lucca 1728-1759.
BR	<i>Bullarum, diplomatum et privilegiorum sanctorum Romanorum pontificum</i> [Bullarium Taurinense], 25 vols. Turin 1857-1872; Naples 1867-1885.
Bruns	<i>Canones apostolorum et conciliorum saeculorum IV. V. VI. VII</i> , ed. H. T. Bruns, Berlin 1839 (facsimile ed. Turin 1959).
CChr	<i>Corpus Christianorum</i> , Turnhout 1953-.
CCO	<i>Les canons des conciles oecuméniques</i> , ed. P-P. Jouannou (Pontificia commissione per la redazione del codice di diritto canonico orientale. Fonti. Fasc. IX: <i>Discipline générale antique</i> [He-IXe \$.] tome I part I), Grottaferrata 1962.
CF	<i>Concilium Florentinum. Documenta et scriptores</i> , ed. Pontifical Oriental Institute, Rome 1940-.
CIC	<i>Codex Iuris Canonici</i> , 1917.
Cl	N. Coleti, <i>Sacrosancta concilia ad regiam editionem exacta quae olim quarta parte prodiit... longe locupletior et emendatior exhibetur</i> ..., 23 vols. Venice 1728-1733.
Clem.	<i>Clementis Papae V. Constitutiones.</i>
Clementines	see <i>Clem.</i>
COD	<i>Conciliorum Oecumenicorum Decreta</i> , ed. G. Alberigo and others, Bologna 31973.
CPG	<i>Les canons des pères Grecs</i> , ed. P-P. Jouannou (Pontificia commissione per la redazione del codice di diritto canonico orientale. Fonti. Fasc. IX: <i>Discipline générale antique</i> [II'-IXe \$.] tome II), Grottaferrata 1963.

Cr ²	P. Crabbe, <i>Concilia omnia, tam generalia, quam particularia</i> ..., 2 vols. Cologne 1538; 3 vols. ibid. 21551.
CSEL	<i>Corpus Scriptorum Ecclesiasticorum Latinorum</i> , Vienna 1866-.
CSP	<i>Les canons des synodes particuliers</i> , ed. P-P. Jouannou (Pontificia commissione per la redazione del codice di diritto canonico orientale. Fonti. Fasc. IX: <i>Discipline générale antique [II'-IXe s.]</i> tome I part II), Grottaferrata 1962.
CT	<i>Concilium Tridentinum. Diariorum, actorum, epistularum, tractatum nova collectio</i> , ed. Goerresian Society, 13 vols, so far, Freiburg 1901-.
D	H. Denzinger and A. Schonmetzer, <i>Enchiridion symbolorum, definitionum et declarationum de rebus fidei et morum</i> , Barcelona and Freiburg 331965.
De	<i>Decreta concilii Basileensis</i> , Basel 1499.
DDrC	<i>Dictionnaire de droit canonique</i> , Paris 1935-1965.
Decretals	see X.
DHGE	<i>Dictionnaire d'histoire et géographie ecclésiastique</i> , Paris 1912—,
Dolger	F. Dölger, <i>Regesten der Kaiserurkunden des Ostromischen Reiches von 565-1453</i> , 5 vols. Munich 1924-63.
DThC	<i>Dictionnaire de théologie catholique</i> , Paris 1903-1950.
EB	<i>Enchiridion Biblicum</i> , Naples and Rome 41961.
EC	<i>Enciclopedia Cattolica</i> , Rome 1949-1954.
ER	<i>Conciliorum omnium generalium et provincialium collectio</i> [Editio Regia], 37 vols. Paris 1644.
<i>Extrav. comm.</i>	<i>Extravagantes communes</i> .
<i>Extrav. Ioann. XXII</i>	<i>Extravagantes Ioannis Papae XXII</i> .
Fr/Friedberg	<i>Corpus Iuris Canonici</i> , ed. E. Friedberg, 2 vols. Leipzig 1879 (facsimile ed. Graz 1955).
Funk	<i>Patres Apostolici</i> , ed. F. X. Funk, 2 vols. Tübingen 21901.
GCS	<i>Die griechischen christlichen Schriftsteller der ersten Jahrhunderte</i> , Leipzig and Berlin 1897-.
Grumel	V. Grumel, <i>Les registres des actes du patriarcat de Constantinople</i> , vol. I <i>Les actes des patriarches</i> , fasc. I <i>Les registres de 381 à 713</i> , fasc. II <i>Les registres de 715 à 1043</i> , Kadiköy-Istanbul 1932-1936.
Hahn	A. Hahn, <i>Bibliothek der Symbole und Glaubensregeln der Alten Kirche</i> , Breslau 31897.
Hardt	H. von der Hardt, <i>Magnum oecumenicum Constantiense concilium</i> , 6 vols. Frankfurt and Leipzig 1696-1700.
HC	<i>History of the Church</i> , ed. H. Jedin, 10 vols. London 1980.

- Hinschius *Decretales Pseudo-Isidorianae et capitula Angilramni*, ed. P. Hinschius, Leipzig 1863.
- H-L K.J. Hefele, *Histoire des conciles d'après les documents originaux*, trans, and continued by H. Leclercq, 11 vols. 1907-1952.
- Hrd J. Hardouin, *Concdiorum collectio regia maxima ad p. Philippi Labbei et p. Gabrielis Cossartii e Societate Jesu labores haud modica accessione facta et emendationibus pluribus additis.* — 12 vols. Paris 1714-1715.
- Jaffé P. Jaffé, *Regesta pontificum Romanorum ab condita ecclesia ad annum post Christum natum MCXCVHI*, 2 vols. Leipzig 1885-1888 (facsimile ed. Graz 1956).
- JThS *Journal of Theological Studies*.
- Kirch C. Kirch, *Enchiridion fontium historiae ecclesiasticae antiquae*, ed. L. Ueding, Barcelona and Freiburg 1950.
- Lauchert F. Lauchert, *Die Kanones der wichtigsten altkirchlichen Concilien nebst den apostolischen Kanones*, Freiburg and Leipzig 1896 (facsimile ed. Frankfurt 1961).
- LC P. Labbe and G. Cossart, *Sacrosancta concilia ad regiam editionem exacta quae nunc quarta parte prodit auctior studio Philippi Labbei et Gabrielis Cossartii.* .., 17 vols. Paris 1671-1672.
- Le concile* *Le concile et les conciles. Contribution à l'histoire de la vie conciliaire de l'église*, [ed. O. Rousseau], Chevetogne 1960.
- LThK *Lexicon für Théologie und Kirche*, Freiburg 1957-1968.
- Martin J. B. Martin, *Conciles et bullaire du diocèse de Lyon...*, Lyons 1905.
- MD E. Martène and U. Durand, *Thesaurus novus anecdotorum seu collectio monumentorum*... , 5 vols. Paris 1717.
- MGH *Monumenta Germaniae Historica*, Hannover and Berlin 1826—.
- Mr125 J. Merlin, *Tomus primus quatuor conciliorum generalium, quadraginta septem conciliorum provincialium ... Secundus tomus conciliorum generalium*... , 2 vols. Paris 1524; Cologne 1530; Paris 1535.
- Msi J. D. Mansi (continued by J. B. Martin and L. Petit), *Sacrorum conciliorum nova et amplissima collectio*... , 53 vols. Florence, Venice, Paris and Leipzig 1759-1927.
- Msi* J. D. Mansi, *Sanctorum conciliorum et decretorum collectio nova seu collectionis conciliorum a pp. Ph. Labbeo et G. Cossartio ... amplioris opera N. Coleti sacerdotis Venetiae recusae supplementum*, 6 vols. Lucca 1748–1752.

Mxv	<i>Monumenta conciliorum generalium sec. XV.</i> , 4 vols. Vienna 1857-1935.
NCE	<i>New Catholic Encyclopedia</i> , New York 1967.
N-D	J. Neuner and J. Dupuis, <i>The Christian Faith</i> , Bangalore and London 1983-
Opitz, <i>Urkunden</i>	H. G. Opitz, <i>Athanasius Werke</i> 3.1, <i>Urkunden zur Geschichte des Arianischen Streites</i> , Berlin and Leipzig 1934-1935.
Pastor	L. Pastor, <i>History of the Popes</i> , trans. L. Autrobus and others, 40 vols. London 1899-1953.
Percival	H. R. Percival, <i>The Seven Ecumenical Councils of the Undivided Church</i> , New York and Oxford 1900.
PG	J. P. Migne, <i>Patrologia Graeca</i> , 162 vols. Paris 1857-1866.
Pitra	J. B. Pitra, <i>Iuris ecclesiastici Graecorum historia et monumenta</i> , 2 vols. Rome 1864-1868.
PL	J. P. Migne, <i>Patrologia Latina</i> , 221 vols. Paris 1844-1864.
Potthast	<i>Regesta pontificum Romanorum inde ab a. post Christum natum MCXCVHI ad a. MCCIV</i> , ed. A. Potthast, 2 vols. Berlin 1874-1875 (facsimile ed. Graz 1957).
RE	<i>Realencyklopädie für protestantische Theologie und Kirche</i> , ed. A. Hauck, Leipzig 1896-1913.
RGG	<i>Die Religion in Geschichte und Gegenwart</i> , ed. K. Galling, 7 vols. Tübingen 1957-1965.
Rm	Τῶν ἁγίων οἰκουµενικῶν συνόδων τῇ καθολικῇ ἐκκλησίᾳ ἅπαντα. <i>Concilia generalia Ecclesiae catholicae</i> [Editio Romana], 4 vols. Rome 1608-1612.
SC	<i>Sources chrétiennes</i> , Paris 1942-.
Sext	see VF.
Strewe	A. Strewe, <i>Die Canonessammlung des Dionysius Exiguus in der ersten Redaktion</i> , Berlin 1931.
Su	L. Surius, <i>Tomus primus conciliorum omnium, tum generalium, tum provincialium atque particularium ...</i> , 4 vols. Cologne 1567.
Su-Bo	D. Bollani and D. Nicolini, <i>Conciliorum omnium tam generalium quam provincialium ... quibus novissima hac editione post Surianam accessere praesertim Nicaenum et Ephesinum...</i> , 5 vols. Venice 1587.
ThLZ	<i>Theologische Literaturzeitung</i> . <i>Texte und Untersuchungen</i> , Leipzig and Berlin 1882-.
Turner	C. H. Turner, <i>Ecclesiae occidentalis monumenta iuris antiquissimi. Canonum et conciliorum Graecorum interpretationes Latinae</i> , 2 vols. Oxford 1899-1939.
VI°	<i>Liber Sextus Decretalium Bonifacii Papae VIII</i> . <i>Decretales Gregorii Papae IX</i> .
ZKG	<i>Zeitschrift für Kirchengeschichte</i> .

Nicaea I

INTRODUCTION

At a time when the Arian heresy was throwing the eastern parts of the Roman empire into confusion, widespread approval was given to the proposal that a universal council should be held to put an end to controversy and to promulgate sound doctrine. In preparation for such an ecumenical council, several synods of bishops were held in the last months of 324 and the first months of the following year. One synod in particular which deserves mention was convened at Antioch at the end of 324 or more probably in the beginning of 325. Its synodical letter suggests that it was originally intended to hold the ecumenical council at Ancyra¹. Emperor Constantine however summoned the bishops to Nicaea, as that city afforded easier access for the western bishops, and was not far from the imperial residence at Nicomedia².

According to Eusebius more than 250 fathers were present. Eustathius of Antioch puts the number at 270, Athanasius at about 300, Gelasius of Cyzicus at more than 300. Hilary of Poitiers's figure of 318 became traditional; it seems however to be symbolic³.

The council opened on 19 June 325⁴ in the presence of the emperor. It is impossible to be certain who presided over the sessions. What can be stated with confidence is that in the extant lists of the bishops who were present, which may

¹ E. Schwartz discovered the synodical letter of a certain Antiochene council in a Syriac codex and published it. He conjectured that the council had taken place at the end of 324 or the beginning of the following year (*Nachrichten von der k. Gesellschaft der Wissenschaften zu Göttingen*, 1905, 271-288 = *Gesammelte Schriften*, III, Berlin 1959, 134-155; see Opitz, *Urkunden* no. 18). Schwartz's theory was attacked by Harnack (*Sitzungsberichte der Preussischen Akademie der Wissenschaften*, 1908, pp. 477ff.), but E. Seeberg provided a convincing defence (*Die Synode v. Antiochien im J. 324-325. Ein Beitrag zur Geschichte der K. v. N.*, Berlin 1913, see H. Chadwick, *Ossins of Cordova and the Presidency of the Council of Antioch 325*, JThS 9 (1958) 292-304).

² V. Grumel, *Le siège de Rome et le Concile de Nicée, convocation et présidence*, *Echos d'Orient* 24 (1925) 411-423. Constantine's letter of convocation has been preserved in Syriac: Opitz, *Urkunden*, no. 20, gives the Syriac text with the addition of a Greek version made by Schwartz.

³ J. Rivièrre, *Un cas de symbolisme arithmétique chez S. Ambroise*, *Recherches théol. anc. et médiév.* 6 (1934) 361-367; see E. Honigmann, *La liste originale des Pères de Nicée*, *Byzantion* 14 (1939) 71. In the latter work E. Honigmann examines the evidence provided by the ancient writers and the codices in great detail. He concludes that the majority of the sources indicate a round figure of "about three hundred". His work may be consulted also concerning the evidence of the ancient lists.

⁴ Until recently historians generally gave 20 May as the date of the opening of the council. This view springs from an error made by the historian Socrates. See E. Schwartz, *Nachrichten von der k. Gesellschaft der Wissenschaften zu Göttingen*, 1904, 395-398 = *Gesammelte Schriften* III, 78-81, where the author also collects all the source-material concerning the date.

well be original⁵, Ossius of Cordova, and the two presbyters who represented the apostolic see, Vitus and Vincentius, are listed before the other names. Nevertheless it is more likely that it was Eustathius of Antioch or Alexander of Alexandria who presided over the sessions. The confusion is due to the fact that probably no official account of the council was ever written down by secretaries^{6,7}.

The council's greatest achievement was the definition of the faith composed in the form of a creed. The additions made by the council to an underlying form of the creed are easy to identify: τουτέστιν ἐκ τῆ οὐσίας τοῦ πατρὸς, θεὸν ἀληθινὸν ἐκ θεοῦ ἀληθινοῦ, -γεννηθέντα οὐ ποιηθέντα (that is from the substance of the Father, true God from true God, begotten not made), and especially the celebrated term ὁμοούσιον (consubstantial), which from the beginning to our own days has been the object of such fierce controversy*. The anathemas also seem to be the work of the council.

Two problems above all have given rise to disagreements among scholars: first, the place of origin of the creed which evidently underlies the Nicene creed; and secondly the Nicene creed's author.

Concerning the first problem this much can be said. Against the commonly accepted opinion that the creed was derived from the baptismal formula of Caesarea put forward by the bishop of that city Eusebius, a new view is gaining ground⁸, though it has not yet won the support of all scholars: namely that the Nicene creed bears the closest affinity to the creed of Jerusalem, and that it developed from an original form which existed in Jerusalem or at any rate in Palestine. A direct descent from the creed of Eusebius of Caesarea is manifestly out of the question.

With regard to the author of the creed, the very number of different theories shows how little is known about the matter. The anathemas and the homoousion have been attributed to Ossius of Cordova; they are certainly firmly rooted in western theology. Some writers attribute the redaction of the creed to Alexander of Alexandria, others to Macarius of Jerusalem, others again, misinterpreting a remark by Basil the Great, to a certain Hermogenes who afterwards became bishop of Caesarea in Cappadocia.

⁵ See E. Honigmann, *The original lists of the members of the council of Nicaea, the Robber Synod and the Council of Chalcedon*, Byzantion 16 (1942-43) 20-28.

⁶ See H-L 1, 391 no. 3.

⁷ On the meaning of homoousion in the council of Nicaea, see L. Bouyer, *Omoousios. Sa signification historique dans le symbole de la foi*, Les sciences philosophiques et théologiques (= RSPTh) 1941-42, 52-62; H. Kraft, ὉΜΟΟΥΣΙΟΣ, ZKG 66 (1954/55) 1-24; in Athanasius and Basil, J. Lebon, *Le sort du consubstantiel nicéen*, Rev. d'hist. eccl. 47 (1952) 485-529, 48 (1953) 632-682. Bibliography in A. Grillmeier, LThK 5 (z1960) 467 ff.

* The theory was first put forward by H. Lietzmann, *Symbolstudien XIII*, Zeitschr. f. die Neutest. Wiss. 24 (1925) 193 = Gesammelte Schriften 3, Texte und Untersuchungen 74 (1962) 243. J. N. D. Kelly, *Early Christian Creeds*, London *1972 211-230, has provided powerful support for Lietzmann's thesis.

The Greek text of the creed is printed below in the form in which it was recited at the council of Ephesus, with the addition of variant readings which can be found in other well-known sources⁹.

The twenty canons which the council promulgated dealt with various contemporary issues: the clergy (1-3, 9-10, 17, 18, 20); conflict of jurisdictions (4-7); the translation of bishops from one see to another (15-16); cases of apostasy during the reign of the emperor Licinius, involving Novatianists or Cathars (8) and Paulinists (19). The canons are printed below according to the Greek text of John Scholasticus, and the Latin text of Dionysius Exiguus.^{10 11}

The council sent a synodical letter to the church of Alexandria, which was still disturbed by the Meletian schism. The letter condemned the schism, and added a few words about the Arian and paschal questions. The text of the letter was preserved by Athanasius of Alexandria¹², and we print this below.

⁹ It is impossible to list here the vast number of witnesses to the text of the Nicene creed. We list here and have used only the most important and ancient authorities. More information can be found in G. L. Dossetti, // *Simbolo di Nicea e di Costantinopoli, Edizione critica*, Rome 1967.

The more ancient Alexandrian family:

- Eus = The Letter of Eusebius of Caesarea on the council of Nicaea, quoted by Athanasius in his work on the Synods: Opitz, *Urkunden* no. 22.
Ath' = Athanasius in his letter to emperor Jovianus, A.D. 363: GCS 44 (1954) 215.

The family of the Antiochene canonical corpus:

- EOr = The mandate of the Orientals in the council of Ephesus: ACO I, 1,3, 39.
Cl = The creed read in the second session of the council of Chalcedon: ACO II, 1, 2, 79.

The Anatolian family:

- Bas' = Basil of Caesarea in letter 125: ed. Courtonne, 2 (1961), 32 ff.
Marc = Marcellus of Ancyra, or his disciples, in his Apologia quoted in Epiphanius, Panarion 72, 9, 2: ed. Holl, GCS 37 (1933) 266.

The later Alexandrian family:

- Cyr1 = Cyril of Alexandria in his letter to the monks, A.D. 429: ACO I, 1, 1, 12.
Cyr2 = Cyril of Alexandria in his third letter to Nestorius, A.D. 430: ACO I, 1, 1, 35.
E1 = The council of Ephesus, first session: ACO I, 1, 2, 12.
E2 = The council of Ephesus, sixth session: ACO I, 1,7, 89.
V = Anti-Chalcedonian florilegium, cod. Vat. gr. 1431, composed after 482: ACO I, 1, 7, 65.

Witness of uncertain origin:

- Eut = Eutyches in the document of his profession made in 449: ACO II, 1, 1, 90.

Of the Latin versions, the oldest is that of Hilary of Poitiers in a fragment from an historical work which seems to have been written in 356: the text we give is taken from Turner, 1, 299. See also Feder, CSEL 65 (1916) 150. We add in footnotes some readings taken from another version made by Hilary in his work de Synodis 84, Turner 1, 299.

¹⁰ On the various redactions of the canons in the western and eastern collections, see H-L 12, 1135-1176; E. Schwartz, *Die Kanonensammlungen der alien Reichskirche*, Gesammelte Schriften IV, Berlin 1960, 159-275; F. Haase, *Die Koptischen Quelle» turn K. v. N.*, Paderborn 1920; see CCO 22.

¹¹ In the appendix to the work *de Decretis Nie. Syn.*, ed. Opitz, *Athanasius Werke*, 2, 1, 35 ff., Berlin 1935; see also Opitz, *Urkunden*, no. 23.

We also give a Latin version taken from a very ancient Verona codex, published in Opitz, loc. cit.

The council also dealt with the date of Easter. It is certain that the Antiochene custom of following the Jewish reckoning was condemned, but the fathers do not seem to have agreed to an alternative or passed a decree on the matter.^{12,13}

The council's decisions received the approval of the apostolic see concomitantly. Since the canons had the force of imperial law, they were promulgated by Constantine.¹¹

The English translation is from the Greek text, which is the more authoritative version.

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¹² A summary of the fathers' decisions on this subject can be found in two contemporary documents: the letter to the Egyptian churches (Opitz, *Urkunden* no. 23, p. 50 1.13 — p. 51 1.2), and Constantine's letter to all the churches (Opitz, *Urkunden* no. 26). On the other hand the "decree of Nicaea on the pasch", which found its way into some codices of canons (ed. W. Benesewic, *Sinagoga* 156) and into one Syriac codex, cod. Paris, syr. 62 (ed. F. Schulthess, *Die Syrischen Kanones der Synoden von Nicaea bis Chalkedon*. Abhandlungen der Gesellschaft der Wissenschaften zu Göttingen, Neue Folge, 10, 2 (1908) 159), does not seem to be the work of the council. On the paschal question at the council of Nicaea see H-L 1, 450-477; E. Schwartz, *Christliche und jüdische Ostertafeln*, Abhandl. d. Ges. d. Wiss. zu Göttingen, N.F. 8, 6 (1905) 117-119; M. Chaîne, *La Chronologie des temps chrétiens de l'Égypte et de l'Éthiopie*. Paris 1925, 48-55.

¹³ Eusebius, *Vita Constantini (The Life of Constantine)* III 17-19 (GCS ed. Heikel 84-87; PG 20, 1073-1077); Constantine's letter to the Alexandrians (Opitz, *Urkunden* no. 25); see R. Honig, *Beiträge zur Entwicklung des Kirchenrechts* (Göttingen Rechtswiss. Stud. 12), Göttingen 1954, 10-29; H. Lietzmann, *From Constantine to Julian. A History of the Early Church* 3, London and Cleveland 1950, 121-123.

TEXT AND TRANSLATION

TEXT AND TRANSLATION

Ἐκθεσι τῶν τῆς πατέρων

Expositio fidei CCCX VIII patrum

Πιστεύομεν* εἰ ἓνα Θεόν πατέρα παντοκράτορα, πάντων ὁρατῶν τε καὶ ἀοράτων ποιητὴν ἑκαὶ εἰ ἓνα κύριον Ἰησοῦν Χριστὸν τὸν υἱὸν τοῦ θεοῦ γεννηθέντα^ ἐκ τοῦ πατρὸς μονογενή, τουτέστιν ἐκ τῆ οὐσίας τοῦ πατρὸς Τ, θεὸν ἐκ θεοῦ, φῶς ἐκ φωτός, θεὸν ἀληθινὸν ἐκ θεοῦ ἀληθινοῦ, γεννηθέντα οὐ ποιηθέντα, ὁμοούσιον τῷ πατρί, δι' οὗ τὰ πάντα ἐγένετο τὰ τε ἐν τῷ οὐρανῷ καὶ τὰ ἐν τῇ γῇ, τὸν δι* ἡμᾶς τοῦ ἀνθρώπου καὶ διὰ τὴν ἡμετέραν σωτηρίαν κατελθόντα καὶ σαρκωθέντα, ἐνανθρωπήσαντα⁷¹, παθόντα καὶ ἀναστάντα τῇ τρίτῃ ἡμέρᾳ, ἀνελθόντα εἰς τοῦ οὐρανοῦ, ἐρχόμενον* κρίνα: ζῶντα καὶ νεκροῦ καὶ εἰς τὸ ἅγιον πνεῦμα.

Τοῦτο δὲ λέγοντα ἦν ποτὲ οὔτε οὐκ ἦν καὶ πρὶν γεννηθῆναι οὐκ ἦν καὶ ὅτι ἐξ οὐκ βντων ἐγένετο, ἢ ἐτέρα ὑποστάσεως ἢ οὐσία, φάσκοντα εἶναι ἡμῶν τρεπτὸν ἢ ἀλλοιωτὸν τὸν υἱὸν τοῦ θεοῦ, τοῦτου ἁναθεματίζει ἡ καθολικὴ καὶ ἀποστολικὴ ἐκκλησία.

Credimus in unum deum patrem omnipotentem* visibilium et invisibilium factorem. Et in unum dominum Iesum Christum filium dei, natum de patre, hoc est de substantia patris, deum de deo, lumen de lumine, deum verum de deo vero, natum non factum, unius substantiae cum patre, quod Graeci dicunt homousion, per quem omnia facta sunt sive quae in caelo sive quae in terra; qui propter nos homines et propter nostram salutem descendit, incarnatus est, homo factus est, passus est et resurrexit tertia die, ascendit in caelos venturus iudicare vivos et mortuos. Et in spiritum sanctum.

Eos autem qui dicunt: erat quando non erat, et: priusquam nasceretur non erat, et quia ex nullis extantibus factus est, quod Graeci exuconton dicunt, velc alia substantia⁸, dicentes mutabilem et convertibilem filium dei, hos anathematizat catholica et apostolica ecclesia.

* πιοπύω Eut 3 γεννηθέντα *praem.* τὸν Marc ὕ τοῦ πατρὸς] αὐτοῦ Cyr¹
δ τῷ *om.* Marc ε ἐν τῇ γῇ] ἐπὶ τῇ γῇ Ath³ Marc
ζ καὶ *om.* Cji'-codd Eut ἐνανθρωπήσαντα *proem*, καὶ Cl Marc Cyr³
θ τοῦ *am.* Eus EOr Basl V κ ἐρχόμενον *proem*, καὶ EOr Cl
λ τοῦ ... ἐκκλησία *om.* Cyr¹ μ ἡ 1· EOr - *codd*
ν ἡ τρεπτὸν *proem*, ἡ κτιστὸν Eus Ath³
ζ τοῦτου *om.* Eus Cl - *cod* Eut] τοῦ τοιοῦτου Basl
0 ~ ἀποστολικὴ καὶ καθολικὴ V

« omnium *add.* Hil* b unigenitum *add.* Hi/*
c ex alia HU* d aut essentia *add.* Hil*

The profession of faith of the 318 fathers

We believe⁰ in one God the Father all powerful, maker of all things both seen and unseen. And in one Lord Jesus Christ, the Son of God, the only-begotten begotten from the Father, that is from the substance of the Father, God from God, light from light, true God from true God, begotten not made, consubstantial with the Father, through whom all things came to be, both those in heaven and those in earth; for us humans and for our salvation he came down and became incarnate, became human, suffered and rose up on the third day, went up into the heavens, is coming to judge the living and the dead. And in the holy Spirit.

And those* who say “there once was when he was not”, and “before he was begotten he was not”, and that he came to be from things that were not, or from another hypostasis or substance, affirming that the Son of God is subject to change or alteration — these the catholic and apostolic church anathematizes.

^α I believe *Ent*

^λ And those ... anathematizes *omitted in Cyr'*

KANONEΣ

CANONES

Περὶ τῶν εὐνουχιζόντων ἑαυτοῦ καὶ
 χιερὶ τῶν παρ' ἄλλων τοῦτο πασχόν-
 των|

Dt bis qui st ipsos abscidunt¹

Εἰ τι ἐν νόσῳ ὑπὸ ἰατρῶν χειρουρ-
 5 γήθῃ ἢ ὑπὸ βαρβάρων ἐξετμήθῃ, οὗτο
 μενέτω ἐν τῷ κλήρῳ* εἰ δέ τι
 ὑποταίνων ἑαυτὸν ἐξέτεμε, τοῦτον καὶ
 ἐν τῷ κλήρῳ ἐξετάζομενον πεπαύσθαι
 προσήκει, καὶ ἐκ τοῦ δεῦρο μηδένα
 10 τῶν τοιούτων χρήναι προσάγεσθαι.
 Ὡς περ δὲ τοῦτο πρόδηλον, ὅτι περὶ
 τῶν ἐπιτηδεύόντων τὸ πρᾶγμα καὶ
 τολμώντων ἑαυτοῦ ἐκτέμνειν εἴρηται,
 οὕτω εἰ τινεῖς ὑπὸ βαρβάρων ἢ ὑπὸ
 15 δεσποτῶν εὐνουχίσθησαν, εὕρισκοιντο
 δὲ ἄξιοι, τοῦ τοιούτου εἰ κλήρον
 προσίεται ὁ κανὼν.

Si quis a medicis per languorem de-
 sectus est aut abscisus a barbaris,
 hic in clero permaneat. Si quis au-
 tem se sanus abscidit, hunc et in
 clero constitutum abstinere conve-
 nient et deinceps nullum debere ta-
 lium promoveri. Sicut autem hoc
 claret, quod de his qui hanc rem
 affectant audentque se ipsos absci-
 dere, dictum est, sic eos quos bar-
 bari aut domini castraverunt, in-
 veniuntur autem alias dignissimi,
 ad clerum regula tales admittit.

B

II

Περὶ τῶν μετὰ τὸ βάπτισμα
 εὐθὺς κληρουμένων²

Dt neophytis²

« Επειδὴ πολλὰ ἦτοι ἀπὸ ἀνάγκῃ ἢ
 ἄλλῳ ἐπειγομένων τῶν ἀνθρώπων
 ἐγένετο παρὰ τὸν κανόνα τὸν ἐκ-
 κλησιαστικόν, ὥστε ἀνθρώπου ἀπὸ
 ἐθνικοῦ βίου ἄρτι προσελθόντα τη
 25 πίστει καὶ ἐν ὀλίγῳ χρόνῳ κατηχη-
 θέντα εὐθέως ἐπὶ τὸ πνευματικόν
 λουτρὸν ἀνάγειν, καὶ ἅμα τῷ βαπτί-
 σθῆναι προάγειν εἰ ἐπισκοπὴν ἢ εἰ
 πρεσβυτερεῖον, καλῶς ἐχρὶν ἔδοξεν
 30 τοῦ λοιποῦ μηδὲν τοιοῦτο γίνεσθαι·
 καὶ γὰρ καὶ χρόνου δεῖ τῷ κατηχού-
 μενα» καὶ μετὰ τὸ βάπτισμα δοκιμα-
 σία πλείονο· σαφέ γάρ τὸ ἀπο-
 στολικὸν γράμμα τὸ λέγον 'Μὴ
 35 νεόφυτον, ἵνα μὴ τυφωθεῖ εἰ κρί-
 μα ἐμπέσῃ καὶ παγίδα τοῦ διαβό-
 λου³. Εἴ δὲ προῖοντο τοῦ χρόνου

Quoniam plura, aut per necessita-
 tem aut alias cogentibus homini-
 bus adversus ecclesiasticam facta
 sunt regulam, ut homines ex gen-
 tili vita nuper accedentes ad fidem
 et instructos brevi temporis inter-
 vallo mox ad lavacrum spiritale
 perducerent, simulque ut baptizati
 sunt, ad episcopatum¹ vel presbyte-
 rium promoverent: optime placuit
 nihil tale de reliquo fieri. Nam et
 tempore opus est ei qui catecizatur,
 et post baptismum probatione quam
 plurima. Manifesta est enim aposto-
 lica scriptura, quae dicit: *non neo-
 phytum, ne in superbiam elatus in indi-
 cium incidat et laqueum diaboli*^P. Si vero
 processu temporis aliquod animae

» ad clerum v. I. CCO

¹ Cf. Can. ap. 21-24 (CSP 17-18).

* Cf. Can. ap. 80 (CSP 48).

¹ 1 Tm 3, 6-7.

CANONS

1

Concerning those who make themselves eunuchs and others who suffer the same loss at the hands of others'

If anyone in sickness has undergone surgery at the hands of physicians or has been castrated by barbarians, let him remain among the clergy. But if anyone in good health has castrated himself, if he is enrolled among the clergy he should be suspended, and in future no such man should be promoted. But, as it is evident that this refers to those who are responsible for the condition and presume to castrate themselves, so too if any have been made eunuchs by barbarians or by their masters, but have been found worthy, the canon admits such men to the clergy.

2

Concerning those who are admitted to the clergy immediately after baptism¹

Since, either through necessity or through the importunate demands of certain individuals, there have been many breaches of the church's canon, with the result that men who have recently come from a pagan life to the faith after a short catechumenate have been admitted at once to the spiritual washing, and at the same time as their baptism have been promoted to the episcopate or the presbyterate, it is agreed that it would be well for nothing of the kind to occur in the future. For a catechumen needs time and further probation after baptism, for the apostle's words are clear: "Not a recent convert, or he may be puffed up and fall into the condemnation and the snare of the devil"³. But if with the passage of

¹ See Apostolic canons 21-24 (CSP 17-18; trans. Percival 595).

² See Apostolic canons 80 (CSP 48; trans. Percival 599).

³ 1 Tim 3, 6-7.

ψυχικόν τι αμάρτημα εὐρεθείη περί
τὸ πρόσωπον, καὶ ἐλέγχοιτο ὑπὸ δύο
ἢ τριῶν μαρτύρων, πεπαύσεται ὁ
τοιοῦτο του κλήρου. Ὁ δὲ παρά
τούτα ποιῶν, ὡς ὑπεναντία τη με-
γάλη συνόδῳ θρασυνόμενος, αὐτὸ
κινδυνεύσει περί του κλήρου τοῦ ἰδίου.

delictum circa personam reperiatur
huiusmodi et a duobus vel tribus
testibus arguatur: a clero talis ab-
stineat. Si quis autem praeter haec
fecerit, quasi contra magnum con-
cilium sese efferens, ipse de cleri-
catus honore pereclitabitur.

III

Περὶ τῶν παρά κληρικοῖ
συνεισάκτων γυναικῶν¹

Quae ntdierej cum sacerdotibus commorentur¹

Ἀπηγόρευσε καθόλου ἡ μεγάλη σύν-
οδο μήτε ἐπίσκοπον μήτε πρεσβύ-
τερον μήτε διάκονον μήτε ὅλῳ τῶν
ἐν τῷ κλήρῳ τινὶ ἐξεῖναι συνεισ-
ακτον ἔχειν, πλὴν εἰ μὴ ἄρα μητέρα ἢ
αδελφὴν ἢ θείαν ἢ ἄ μόνῃ πρόσωπα
ὑποψίαν διαπέφυγεν*.

Interdixit per omnia magna syno- 10
dus, nec episcopo nec presbytero nec
alicui prorsus, qui est in clero, licere
subintroductam habere mulierem,
nisi forte matrem aut sororem aut
amitam vel eas tantum personas 15
quae suspicionem effugiunt.

Δ

Ὑπὸ πόσων καθίστασθαι
τὸν ἐπίσκοπον²

IV

De ordinatione episcoporum¹

Ἐπίσκοπον προσηκεῖ μάλιστα μέν
ὑπὸ πάντων τῶν τῇ ἐπαρχίᾳ ἐπι-
σκόπων καθίστασθαι· εἰ δὲ δυσχε-
ρὲ εἴη τοῦτο ἢ διὰ κατεπείγουσαν
ανάγκην ἢ διὰ μῆκος ὁδοῦ, ἐξάπαντο
τρὶς ἐπὶ τὸ αὐτὸ συναγομένου, συμ-
ψήφων γινομένων καὶ τῶν ἀπόντων
καὶ συντιθεμένων διὰ γραμμάτων,
τότε τὴν χειροτονίαν ποιεῖσθαι· τὸ δὲ
κύριον τῶν γινομένων δίδοσθαι καθ'
ἐκάστην ἐπαρχίαν τῷ & μητροπολίτῃ
ἐπισκόπῳ.

Episcopum convenit maxime qui- 20
dem ab omnibus qui sunt in provin-
cia episcopis ordinari. Si autem hoc
difficile fuerit, aut propter instan-
tem necessitatem aut propter itine-
ris longitudinem: modis omnibus 25
tamen tribus in id ipsum conve-
nientibus et absentibus episcopis
pariter decernentibus et per scripta
consentientibus tunc ordinatio ce-
lebretrur. Firmitas autem eorum,
quae geruntur per unamquamque jo
provinciam, metropolitan© tribu-
atur episcopo.

α ταῦτα δὲ τὰ πρόσωπα καὶ τὰ τοῦτοι- παραπλήσια διαπίφευγεν ὑποψίαν <uU. CCO
(J ἢ τί> . I. CCO

¹ Cf. cone. Ancyra. (314), c. 19 (CSP 70).

* Cf. Can. ap. 1 (CSP 8).

time some sin of sensuality is discovered with regard to the person and he is convicted by two or three witnesses, such a one will be suspended from the clergy. If anyone contravenes these regulations, he will be liable to forfeit his clerical status for acting in defiance of this great synod.

Concerning women who have been brought in to live with the clergy¹

This great synod absolutely forbids a bishop, presbyter, deacon or any of the clergy to keep a woman who has been brought in to live with him, with the exception of course of his mother or sister or aunt, or of any person who is above suspicion⁰¹.

4

Of the number needed to appoint a bishop²

It is by all means desirable that a bishop should be appointed by all the bishops of the province. But if this is difficult because of some pressing necessity or the length of the journey involved, let at least three come together and perform the ordination, but only after the absent bishops have taken part in the vote and given their written consent. But in each province the right of confirming the proceedings belongs to the metropolitan bishop.

⁰ These and similar persons are such as to be above suspicion *adds CCO*.

¹ See council of Ancyra (314), canon 19 (CSP 70; trans. Percival 71).
See Apostolic canons 1 (CSP 8; trans. Percival 594).

Ε

Περὶ τῶν ἀκοινωνήτων διὰ τοῦ
 δεῖ τοῦτου ὑφ' ἐτέρων
 δέχεσθαι καὶ περὶ τοῦ δι' τοῦ
 ἐτοῦ τὰ συνόδου γίνεσθαι

s Περὶ τῶν ἀκοινωνήτων γενομένων
 εἴτε τῶν ἐν τῷ κλήρῳ εἴτε τῶν ἐν
 τῷ λαϊκῷ τάγματι ὑπὸ τῶν καθ'
 ἐκάστην ἐπαρχίαν ἐπισκόπων κρατεί-
 τω ἢ γνώμη κατὰ τὸν κανόνα τὸν
 io διαγορευόντα τοῦ ὑφ' ἐτέρων ἀπο-
 βληθέντα ὑφ' ἐτέρων μὴ προσίεσθαι.
 Ἐταξέσθω δέ, μὴ μικροψυχία ἢ
 φιλονεικία ἢ τινὶ τοιαύτῃ ἀηδία τοῦ
 ἐπισκόπου ἀποσυνάγωγοι γεγέννην-
 is ται· ἵνα οὖν τοῦτο τὴν πρέπουσαν
 ἐξέτασιν λαμβάνοι, κολιό ἐχειν ἐδο-
 ξεν ἐκάστου ἐνιαυτοῦ καθ' ἐκάστην
 ἐπαρχίαν δι' τοῦ ἐνιαυτοῦ συνόδου
 γίνεσθαι, ἵνα κοινὴ πάντων τῶν ἐπι-
 io σκόπων τῇ ἐπαρχίᾳ ἐπὶ τὸ αὐτὸ
 συναγομένων τὰ τοιαῦτα ζητήματα
 ἐξετάζοιτο, καὶ οὕτω ὁμολογουμέ-
 νω οἱ προσκεκρουκότε τῷ ἐπισκό-
 πῳ κατὰ λόγον ἀκοινωνήτοι παρὰ
 is πασιν εἶναι δόξωσι, μέχρι ἂν τῷ
 κοινῷ τῶν ἐπισκόπων δόῃ τὴν φι-
 λανθρωποτέραν ὑπὲρ αὐτῶν ἐκθέ-
 σθαι ψήφον. Αἱ δὲ σύνοδοι γινέσθωσαν
 μία μὲν προτὴν τεσσαρακοστήν, ἵνα
 so πάσῃ μικροψυχία * ἀναιρούμενη
 τὸ δῶρον καθαρὸν προσφέρηται τῷ
 θεῷ, δευτέρα δὲ μετὰ τὸν τοῦ μετο-
 πώρου καιρὸν.

V

*De extommuMâtatn**

De his qui communione privantur
 seu ex clero seu ex laico ordine, ab
 episcopis per unamquamque pro-
 vinciam sententia regularis obtineat,
 ut hii qui ab aliis abiciuntur, non
 recipiantur ab aliis. Requiritur au-
 tem, ne pusillanimitate aut pertina-
 cia vel alio quolibet episcopi vitio
 videatur a congregatione seclusus.
 Ut hoc ergo decentius inquiratur,
 bene placuit annis singulis per unam-
 quamque provinciam bis in anno
 concilia celebrari, ut communiter
 omnibus simul episcopis provinciae
 congregatis questiones discutiantur
 huiusmodi et sic, qui suo pecca-
 verunt evidenter episcopo, rationa-
 biliter excommunicari ab omnibus
 aestimentur, usque quo vel in com-
 muni vel eidem episcopo placeat
 humaniorem pro talibus ferre sen-
 tentiam. Concilia vero caelebrentur
 unum quidem ante quadragesimam
 paschae, ut omni dissensione sub-
 lata munus offeratur Deo purissi-
 mum, secundum vero circa tempus
 autumnii.

VI

De primatibus episcoporum

Περὶ τῶν πόλεσι τισὶ
 55 διαφερόντων πρωτείων, καὶ
 περὶ τοῦ ἐπισκοποῦ μὴ γίνεσθαι
 δίχα γνώμη τοῦ μητροπολίτου²

Τὰ ἀρχαῖα ἐθῆ κρατεῖτω τὰ ἐν Αἰ- Antiqua consuetudo servetur per
 γύπτῳ καὶ Λιβύῃ καὶ Πενταπόλει, Aegyptum, Libyam et Pentapolim,

α φιλονικία r. I. CCO a animositate r. I. CCO

i Cf. Can. ap. 12,13, 32 (CSP 13-14,22).

» Cf. Can. ap. 34-35 (CSP 24).

5

Concerning the excommunicated, that they must not be received by others; and concerning the duty to hold synods twice a year'

Concerning those, whether of the clergy or the laity, who have been excommunicated, the sentence is to be respected by the bishops of each province, according to the canon which forbids those expelled by some to be admitted by others. But let an inquiry be held to ascertain whether anyone has been expelled from the community because of pettiness or quarrelsomeness or any such ill nature on the part of the bishop. Accordingly, in order that there may be proper opportunity for inquiry into the matter, it is agreed that it would be well for synods to be held each year in each province twice a year, so that these inquiries may be conducted by all the bishops of the province assembled together, and in this way by general consent those who have offended against their own bishop may be recognised by all to be reasonably excommunicated, until all the bishops in common may decide to pronounce a more lenient sentence on these persons. The synods shall be held at the following times: one before Lent, so that, all pettiness being set aside, the gift offered to God may be unblemished; the second after the season of autumn.

6

Concerning the forms of primacy belonging to some cities; and that bishops may not be created without the consent of the metropolitan¹

The ancient customs of Egypt, Libya and Pentapolis shall be maintained,

¹ See Apostolic canons 12, 13, 32 (CSP 13-14, 22; trans. Percival 594-596).

² See Apostolic canons 34-35 (CSP 24; trans. Percival 596).

ὥστε τὸν Ἀλεξανδρεῖα ἐπίσκοπον πάντων τούτων εἶναι τὴν ἐξουσίαν, ἐπειδὴ καὶ τὴν ἐν τῇ Ῥώμῃ ἐπισκόπον τὸ τοιοῦτον σὺνήθε ἐστίν. Ὁμοίως δὲ καὶ κατὰ τὴν Ἀντιόχειαν καὶ ἐνταῦθα ἄλλαι ἐπαρχίαι τὰ πρεσβεία σώζεσθαι ταῖ ἐκκλησίαις.

Καθόλου δὲ πρόδηλον ἐκείνο· ὅτι, εἰ τι χωρὶ γνώμης τοῦ μητροπολίτου γένηται ἐπίσκοπο, τὸν τοιοῦτον ἢ μεγάλη σὺνοδος ὠρίσει μὴδὲ εἶναι ἐπίσκοπον. Ἐὰν μὲντοι τῇ κοινῇ πάντων ψήφῳ, εὐλόγῳ οὕσῃ καὶ κατὰ κανόνα ἐκκλησιαστικόν, δύο ἢ τρεῖς δι' οἰκείαν φιλονεικίαν ἀντιλέγωσι, κρατεῖτω ἢ τῶν πλειόνων ψήφῳ.

Z

Περὶ τοῦ Αἰλίου ἐπισκόπου

Ἐπειδὴ συνήθεια κεκράτηκε καὶ παρὰδοσι ἀρχαία, ὥστε τὸν ἐν Αἰλίου ἐπίσκοπον τιμᾶσθαι, ἐχέτω τὴν ἀκολουθίαν τῇ τιμῇ, τῇ μητροπόλει σωζομένου τοῦ οἰκείου ἀξιώματος.

H

Περὶ τῶν λεγομένων καθαρῶν

Περὶ τῶν ὀνομασάντων μὲν ἑαυτοὺς καθαρῶν, ποτὲ προσερχομένων δὲ κοινῇ τῇ καθολικῇ καὶ ἀποστολικῇ ἐκκλησίᾳ, ἐδοξε τῇ ἁγίᾳ καὶ μεγάλῃ συνόδῳ, ὥστε χειροθετουμένου αὐτοῦ οὕτω μῆναι ἐν τῷ κλήρῳ· πρὸ πάντων δὲ τούτων ὁμολογῆσαι αὐτοῦ ἐγγράφῳ προσήκει, ὅτι συνθήσονται καὶ ἀκολουθήσουσι

» quoniam et sicut ». I. CCO

ita ut Alexandrinus episcopus horum omnium habeat potestatem, quia et urbis Romae episcopo parilis mos est. Similiter autem et apud Antiochiam ceterasque provincias sua privilegia servantur ecclesiis.

Illud autem generaliter clarum est, quod si quis praeter consilium metropolitan! fuerit factus episcopus, hunc magna synodus definivit episcopum exsistere non debere. Sin autem communi cunctorum decreto rationabili et secundum ecclesiasticam regulam comprobato duo vel tres propter contentiones proprias contradicunt, obtineat sententia plurimorum.

VII

Dt honore episcopi Heliae, id est Hienisolimae

Quia consuetudo praevaluit et antiqua traditio ut Heliae episcopus honoretur, habeat honoris consequentiam, salva metropolitan! propria dignitate.

25

VIII

De bis qui se catbaros, id est mundos appellant

De his qui se cognominant catharos, id est mundos, si quando venerint ad ecclesiam catholicam, placuit sancto et magno concilio, ut impositionem manus accipientes sic in clero permaneant. Haec autem eos prae omnibus scriptis convenit profiteri, quod catholicae et apostolicae ecclesiae dogmata suscipiant et se-

30

35

1 Cf. Can. ap. 46-47, 68 (CSP 31, 42); conc. Ancyrae (314), c. 13 (CSP 65); conc. Neocaesareae (315/324), c. 14 (CSP 81).

according to which the bishop of Alexandria has authority over all these places, since a similar custom exists with reference to the bishop of Rome. Similarly in Antioch and the other provinces the prerogatives of the churches are to be preserved.

In general the following principle is evident: if anyone is made bishop without the consent of the metropolitan, this great synod determines that such a one shall not be a bishop. If however two or three by reason of personal rivalry dissent from the common vote of all, provided it is reasonable and in accordance with the church's canon, the vote of the majority shall prevail.

7

Concerning the bishop of Aelia [= Jerusalem]

Since there prevails a custom and ancient tradition to the effect that the bishop of Aelia is to be honoured, let him be granted everything consequent upon this honour, saving the dignity proper to the metropolitan.

8

Concerning the so-called Cathars¹

Concerning those who have given themselves the name of Cathars, and who from time to time come over publicly to the catholic and apostolic church, this holy and great synod decrees that they may remain among the clergy after receiving an imposition of hands. But before all this it is fitting that they give a written undertaking that they will accept and follow the decrees of the catholic

¹ See Apostolic canons 46-47, 68 (CSP 31, 42; trans. Percival 597-598); council of Ancyra (314), canon 13 (CSP 65; trans. Percival 68); council of Neocaesarea (315/324), canon 14 (CSP 81; trans. Percival 85).

τοῖ τῇ καθολικῇ ἐκκλησίᾳ δόγμασι, τουτέστι καὶ διγάμοι κοινω-
νεῖν καὶ τοῖ ἐν τῷ διωγμῷ παρα-
πεπτωχόσιν, ἐφ* οἱ καὶ χρόνο τέ-
» τακταὶ καὶ καιρὸ ὠρισταί, ὥστε αὐ-
τοῦ ἀκολουθεῖν ἐν πάσι τοῖ **δ**όγ-
■■σ·. τῇ καθολικῇ καὶ ἀποστολι-
κῇ ἐκκλησίᾳ. "Ενθα μὲν οὖν τίν-
τε εἴτε ἐν κώμαι εἴτε ἐν πόλεσιν
io αὐτοὶ μόνον εὐρίσκουσιντο /ειροτονη-
θέντε, οἱ εὐρίσκόμενοι ἐν τῷ κλήρῳ
έσσονται ἐν αὐτῷ τῷ σχήματι ' οποῦ
δὲ τῇ καθολικῇ ἐκκλησίᾳ επισκό-
που ἢ πρεσβυτέρου δντο προσέρ-
is χονταί τινε, πρόδηλον, ὡ δ μὲν
ἐπίσκοπο τῇ ἐκκλησίᾳ ἐξεῖ τδ
αξίωμα τοῦ ἐπισκόπου, ὁ δὲ δνομα-
ζόμενο παρά τοῖ λεγόμενοι κα-
θαροῖ καὶ λεγόμενο ἐπίσκοπο την
« τοῦ πρεσβυτέρου τιμὴν ἐξεῖ, πλὴν εἰ
μὴ ἀρα δοκοῖη τῷ ἐπισκόπῳ τῇ
τιμῇ τοῦ ὀνόματος αὐτὸν μετέχειν '
εἰ δὲ μὴ τοῦτο αὐτῷ ἀρέσκοι, ἐπινο-
ήσῃ τόπον ἢ χωρεπισκόπου ἢ πρε-
« σβυτέρου ὑπὲρ τοῦ ἐν τῷ κλήρῳ δλω
δοκεῖν εἶναι, ἵνα μὴ ἐν τῇ πόλει δύο
ἐπίσκοποι ὦσιν.

Θ

Περὶ τῶν ἀνεξετάστῳ εἰ
πρεσβύτερον προαχθέντων¹

M Εἰ τινε ἀνεξετάστῳ προήχθησαν
πρεσβύτεροι, εἴτα ἀνακρινόμενοι ὡ-
μολόγησαν τὰ ἡμαρτημένα αὐτοῖ,
καὶ ὁμολογησάντων αὐτῶν, παρά κα-
νόνα κινούμενοι οἱ ἄνθρωποι τοῖ
u τοιοῦτοι χεῖρα ἐπιτεθείκασιν, τοῦ-
του δ κανὼν οὐ προσίσταται ' τδ γάρ
ἀνεπίληπτον ἐκδικεῖ ἡ καθολικὴ ἐκ-
κλησία.

quantur, id est bigamis se commu-
nicare et his, qui in persecutione
prolapsi sunt, erga quos et spatia
constituta sunt et tempora definita,
ita ut ecclesiae catholicae et aposto-
licae placita sequantur in omnibus.
Ubicumque vero sive in municipiis
sive in civitatibus ipsi soli repperti
fuerunt ordinati: qui inveniuntur in
clero, in eodem habitu perseverent.
Ubi autem catholicae ecclesiae epi-
scopo vel presbytero constituto qui-
dam ex illis adveniunt, certum est
quod episcopus ecclesiae habebit
ecclesiae dignitatem. Is autem, qui
nominatur apud eos episcopus,
honorem presbyterii possidebit, nisi
forte placuerit episcopo nominis
eum honore censer. Si vero hoc ei
minime placuerit, providebit ei aut
corepiscopi aut presbyteri locum, ut
in clero prorsus videatur, ne in una
civitate duo episcopi probentur
exsistere.

IX

*De bis qui ad sacerdotium sine examine
promerentur¹*

Si qui presbyteri sine examinatione
sunt promoti vel cum discuterentur,
sua peccata confessi sunt et homines
moti contra canones confessis ma-
nus imponere temptaverunt, tales
regula non admittit, quia quod in-
reprehensibile est, catholica defen-
dit ecclesia.

¹ Cf. Can. ap. 25, 61 (CSP 19); conc. Xcocaes. (315/324), cc. 1, 9, 10 (CSP 75, 79-80).

church, namely that they will be in communion with those who have entered into a second marriage and with those who have lapsed in time of persecution, and for whom a period [of penance] has been fixed and an occasion [for reconciliation] allotted, so as in all things to follow the decrees of the catholic and apostolic church. Accordingly, where all the ordained in villages or cities have been found to be men of this kind alone, those who are so found will remain in the clergy in the same rank; but when some come over in places where there is a bishop or presbyter belonging to the catholic church, it is evident that the bishop of the church will hold the bishop's dignity, and that the one given the title and name of bishop among the so-called Cathars will have the rank of presbyter, unless the bishop thinks fit to let him share in the honour of the title. But if this does not meet with his approval, the bishop will provide for him a place as chorepiscopus or presbyter, so as to make his ordinary clerical status evident and so prevent there being two bishops in the city.

9

Concerning those who have been promoted to the rank of presbyter without examination'

If any have been promoted presbyters without examination, and then upon investigation have confessed their sins, and if after their confession men have imposed hands upon such people, being moved to act against the canon, the canon does not admit these people, for the catholic church vindicates only what is above reproach.

¹ See Apostolic canons 25, 61 (CSP 19; trans. Percival 595, 598); council of Neocaesarea (315/324), canons 1, 9, 10 (CSP 75, 79-80; trans. Percival 79, 83).

Περὶ τῶν ἀρνησαμένων ἐν
διωγμῷ καὶ προαχθέντων
εἰ κλήρον*

*De hit qui in perrecutiostibus negaverunt tt post-
modum adclericatum promoti sunt**

"Ὅσοι προεχειρίσθησαν τῶν παρα-
πεπτωκότων κατὰ ἀγνοίαν ἢ καὶ παρ-
ειδότην τῶν προχειρισαμένων, τοῦ-
το οὐ προκρίνει τῷ κανόνι τῷ ἐκ-
κλησιαστικῷ * γνωσθέντε γὰρ κα-
θαιρεθησονται.

Quicumque de lapsis dudum per
ignorantiam vel ordinantium dissi- 5
mulationem in ordinem sunt pro-
vecti, hoc ecclesasticae non prae-
iudicat regulae, nam cogniti depo-
nuntur.

IA

XI

Περὶ τῶν ἀρνησαμένων καὶ
τελούντων ἐν λαϊκοῖ 2

*De bit qui praefer neceStifafem 11
aliquam negaverunt**

Περὶ τῶν παραβάντων χωρὶ ἀνάγ-
κη ἢ χωρὶ ἀφαιρέσεω ὑπαρχόντων
ἢ χωρὶ κινδύνου ἢ τίνος τοιοῦτου,
6 γέγονεν ἐπὶ τῇ τυραννίδι Αἰκι-
νίου, ἔδοξε τῇ ἀγία συνόδῳ, εἰ καὶ
ἀνάξιοι ἦσαν φιλανθρωπία, ὁμῶ
χρηστεύεσθαι εἰ αὐτοῦ. "Ὅσοι οὖν
γνησίῳ μεταμελώνται, τρία ἔτη ἐν
ἀκρωμένοι ποιήσουσιν οἱ πιστοί,
καὶ ἑπτὰ ἔτη ὑποπεσούνται, δύο δὲ
ἔτη χωρὶ προσφορά κοινωνήσουσι
τῷ λαῷ τῶν προσευχῶν.

De his qui praeter necessitatem prae-
varicati sunt aut praeter ablationem
facultatum aut praeter periculum 15
vel aliquid huiusmodi, quod factum
est sub tyrannide Licinii, placuit syn-
odo, quamquam humanitate pro-
bentur indigni, tamen eis benevo-
lentiam commodari. Quo quod enim
veraciter paenitudinem gerunt, fide- 20
les tribus annis inter audientes ha-
beantur et sex annis omni humili-
tati succumbant, duobus autem an-
nis praeter oblationem populo in
oratione communicent. 25

IB

XII

Περὶ τῶν ἀποταξαμένων καὶ
πάλιν εἰ τὸν κόσμον ἀναδραμόντων3

*De bit qui renuntiaverunt et iterum
ad saeculum sunt regressi**

01 προσκληθέντε μὲν ἀπὸ τῆ χάρι-
τος καὶ τὴν πρώτην ὁρμὴν ἐνδει-
ξάμενοι καὶ ἀποθέμενοι τὰ ζῶνα,
μετὰ δὲ ταῦτα ἐπὶ τὸν οἰκεῖον ἐμε-
τον1 ἀναδραμόντε ὡς κύνες, ὡς τι-
νο καὶ ἀργῦρια προέσθαι καὶ βενε-

Quicumque vocati per gratiam pri-
mum quidem impetum demonstra-
runt deponentes militiae cingulum, 30
postmodum vero ad proprium vo-
mitum1 sunt relapsi, ita ut quidam
et pecunias tribuerent et beneficiis

1 Cf. Can. ap. 62 (CSP 40); conc. Ancyrr. (314), cc. 1, 2, 12 (CSP 56-57, 65); Petrus AJ. c. 10 (CPG 46-48).

a Cf. conc. Ancyrr. (314), c. 6 (CSP 61); Petrus AI., c. 3 (CPG 36).

’ Cf. conc. Ancyrr. (314), cc. 2,5,7 (CSP 57,60,62); Petrus AI., c. 9,11 (CPG 42-46,49-51).

1 Cf. Pro 26,11.

10

Concerning those who have denied the faith in persecution and have been promoted to the clergy¹

If any among the lapsed have been promoted to ordination through the ignorance of their promoters or even with their connivance, this fact does not prejudice the church's canon; for once discovered they are to be deposed.

11

Concerning those who have denied the faith and are numbered among the laity^{2,3}

Concerning those who have transgressed without necessity or the confiscation of their property or without danger or anything of this nature, as happened under the tyranny of Licinius, this holy synod decrees that, though they do not deserve leniency, nevertheless they should be treated mercifully. Those therefore among the faithful who genuinely repent shall spend three years among the hearers, for seven years they shall be prostrators, and for two years they shall take part with the people in the prayers, though not in the offering.

12

Concerning those who have made a renunciation and then returned to the world?

Those who have been called by grace, have given evidence of first fervour and have cast off their [military] belts, and afterwards have run back like dogs to their own vomit⁴, so that some have even paid money and recovered their

See Apostolic canons 62 (CSP 40; trans. Percival 598); council of Ancyra (314), canons 1, 2, 12 (CSP 56-57, 65; trans. Percival 63, 68); Peter of Alexandria, canon 10 (CPG 46-48; trans. Percival 601).

² See council of Ancyra (314), canon 6 (CSP 61; trans. Percival 65); Peter of Alexandria, canon 3 (CPG 36; trans. Percival 601).

³ See council of Ancyra (314), canons 2, 5, 7 (CSP 57, 60, 62; trans. Percival 63, 65-66); Peter of Alexandria, canons 9, 11 (CPG 42-46, 49-51; trans. Percival 601).

⁴ See Pro 26, 11.

φικίοι κατόρθωσαι τὸ ἀναστρατεύε-
σθαι, οὗτοι δέκα ἔτη ὑποπιπτέτωσαν
μετὰ τὸν τῆ τριετοῦ ἀκροάσεω
χρόνον. Ἐφ' ἀπασι δέ τούτοι προσ-
» ἡκει ἐετάζειν τὴν προαίρεσιν καὶ
τὸ εἶδος τῆ μετάνοια · ὅσοι μὲν γάρ
καὶ φόβῳ καὶ δάκρυσι καὶ ὑπο-
μονῇ καὶ ἀγαθοεργίαι τὴν ἐπιστρο-
φήν ἐργῶ καὶ οὐ σχήματι ἐπιδείκνυν-
10 ται, οὗτοι, πληρώσαντε τὸν χρό-
νον τὸν ὠρισμένον τῇ ἀκροάσει ,
εἰκότως τῶν εὐχῶν κοινωνήσουσι,
μετὰ τοῦ ἐξεῖναι τῷ ἐπισκοπῷ καὶ
φιλανθρωπότερόν τι περὶ αὐτῶν βου-
15 λεύσασθαι · ὅσοι δὲ ἀδιαφόρῳ ἤνευ-
καν καὶ τὸ σχῆμα τοῦ εἰσιέναι εἰ
τὴν ἐκκλησίαν ἀρκεῖν αὐτοὶ ἡγη-
σαντο πρὸ τῆς ἐπιστροφῆς, ἐ ἀπαν-
το πληροῦτως τὸν χρόνον.

ΙΓ

10 Περὶ τῶν ἐν τῷ ἀποθνήσκειν
κοινωνίαν ἐπιζητούντων¹

Περὶ δὲ τῶν ἐξοδευόντων ὁ παλαιὸς
καὶ κανονικὸς νόμος παραφυλαχθή-
σεται καὶ νῦν, ὥστε εἴ τι ἐοδεύοι,
25 τοῦ τελείου καὶ αναγκαιότατος ἐφο-
δίου μὴ ἀποστερεῖσθω. Εἰ δὲ ἀπο-
γνωσθεὶ καὶ κοινωνία τυχῶν καὶ
προσφορὰ μετασχῶν πάλιν ἐν τοῖς
ζώσιν ἐετασθεῖη, ἐστὼ μετὰ τῶν
30 κοινωνούντων τῇ εὐχῇ μόνῃ, <ἀ-
χρι ἂν πληρωθῇ ὁ ὀρισθεὶς ὑπὸ τῇ
μεγάλῃ οἰκουμενικῇ συνόδῳ χρό-
νος>². Καθόλου δὲ καὶ περὶ παντὸς
οὐτινοσοῦν ἐοδεύοντο, αἰτοῦντο δὲ
35 μετασχεῖν εὐχαριστία, ὁ ἐπίσκοπος
μετὰ δοκιμασία μεταδιδότω τῇ
προσφορᾷ.

α < > r. / CCO

« repeterent v. I, CCO

» Cf. conc. Ancyra. (314), c. 6 (CSP 61).

militiam separarent·*, hi decem annis
post trienni tempus, quod inter
audiētes erunt, in afflictione per-
maneant. Sed in his omnibus pro-
positum et speciem paenitentiae con-
venit explorare. Quotquot enim
metu et lacrimis ac patientia vel bo-
nis operibus re ipsa conversionem,
non simulatione, demonstrant, hi
definitum tempus auditionis im-
plentes, tum demum fidelibus in
oratione communicent, postmodum
vero licebit episcopo, de his aliquid,
humanius cogitare. Quicumque ve-
ro indifferenter tulerunt et formam
introeundi in ecclesiam sibi arbitrati
sunt ad conversionem posse suffi-
cere, hi definitum tempus modis
omnibus implebunt.

XIII

*De his qui in obitu potiti communionem
deposcunt¹*

De his qui ad exitum vitae veniunt,
etiam nunc lex antiqua regularisque
servabitur ita, ut, si quis egreditur
e corpore, ultimo et necessario via-
tico minime privetur. Quod si de-
speratus et consecutus communi-
onem oblationisque particeps factus
iterum convaluerit, sit inter eos, qui
communione orationis tantum-
modo consequuntur. Generaliter
autem omni cuilibet in exitu posito
et poscenti sibi communionis gra-
tiam tribui, episcopus probabiliter
ex oblatione dare debet.

military status by bribes — such persons shall spend ten years as prostrators after a period of three years as hearers. In every case, however, their disposition and the nature of their penitence should be examined. For those who through their fear and tears and perseverance and good works give evidence of their conversion by deeds and not by outward show, when they have completed their appointed term as hearers, may properly take part in the prayers, and the bishop is competent to decide even more favourably in their regard. But those who have taken the matter lightly, and have thought that the outward form of entering the church is all that is required for their conversion, must complete their term to the full.

13

*Concerning those who seek communion at the point of death*¹

Concerning the departing, the ancient canon law is still to be maintained, namely that those who are departing are not to be deprived of their last, most necessary viaticum. But if one whose life has been despaired of has been admitted to communion and has shared in the offering and is found to be numbered again among the living, he shall be among those who take part in prayer only <until the term fixed by this great ecumenical synod has been completed>^a. But as a general rule, in the case of anyone whatsoever who is departing and seeks to share in the eucharist, the bishop upon examining the matter shall give him a share in the offering.

^a < > variant reading in CCO.

¹ See council of Ancyra (314), canon 6 (CSP 61; trans. Percival 65).

ΙΔ

Περὶ κατηχομένων παραπε-
σόντων¹

Περὶ δὲ τῶν παραπεσόντων³ κατη-
χομένων ἐδοξε τῇ ἁγίᾳ καὶ μεγάλῃ
συνόδῳ, ὥστε τριῶν ἐτῶν αὐτοῦ
ἀκροασαμένου μόνον, μετὰ ταῦτα
ευχεσθαι μετὰ τῶν κατηχομένων.

ΙΕ

Περὶ τοῦ μεταβαίνοντο ἀπὸ
πόλεω εἰ πόλιν κληρικοῦ²

Διὰ τὸν πολὺν τάραχον καὶ τὰ στά-
σει τὰ γινομένα ἐδοξε παντάπασι
περιαιρεθῆναι τὴν συνήθειαν τὴν παρὰ
τὸν κανόνα, εἰ εὐρεθῇ ἐν τισὶ μέρεσιν,
ὥστε ἀπὸ πόλεω εἰ πόλιν μὴ μετα-
βαίνει μήτε ἐπίσκοπον μήτε πρεσβύ-
τερον μήτε διάκονον εἰ δέ τι μετὰ
τὸν τῇ ἁγίᾳ καὶ μεγάλῃ συνόδου
ὅρον τοιοῦτω τινὶ ἐπιχειρήσειεν, ἡ
ἐπιδοίη ἑαυτὸν πράγματι τοιοῦτω,
ἀκυρωθήσεται ἐξάπαντο τὸ κατα-
σκευάσμα καὶ ἀποκατασταθήσεται τῇ
ἐκκλησίᾳ, ἡ ἢ ἐπίσκοπο ἢ πρεσβύ-
τερο ἢ διάκονο ἐχειροτονήθη.

ἱ

Περὶ τῶν ἐν αἱ προεβλήθησαν
ἐκκλησίαι μὴ ἐμμενόντων³

Ὅσοι ᾠψοκινδύνω, μήτε τὸν φόβον
τοῦ θεοῦ πρό ὀφθαλμῶν ἔχοντε, μή-
τε τὸν ἐκκλησιαστικὸν κανόνα εἰδόν-
τε, ἀναχωρήσουσι τῇ ἐκκλησίᾳ,
πρεσβύτεροι ἢ διάκονοι ἢ ὅλῳ ἐν
τῷ κανόνι ἐξεταζόμενοι, οὗτοι οὐ-
δαμῶ δεκτοὶ ὀφείλουσιν εἶναι ἐν
ἐτέρα ἐκκλησίᾳ, ἀλλὰ πάσαν ἀνάγ-

α παραπεσόντων ew. ». / . CCO

XIV

De caietbmùr lapeitl

De catechuminis sancto et magno
concilio placuit, ut tribus annis sint
inter audientes tantummodo, post
haec autem cum catechuminis orent.

XV

Quod nan oporteat demigraril

Propter multam perturbationem et
seditiones quae hunt placuit con-
suetudinem omnimodis amputari,
quae praeter regulam in quibusdam
partibus videtur admissa: ita ut de
civitate ad civitatem non episcopus,
non presbyter, non diaconus trans-
feratur. Si quis vero post definitio-
nem sancti et magni concilii tale
quid agere temptaverit et se huiusce
modi manciparit, hoc factum pror-
sus in irritum deducatur et restitu-
atur ecclesiae, cui fuit episcopus,
presbyter aut diaconus ordinatus.

XVI

*De hir qui in quibur promoti runt
eccleriir non demorantur³*

Quicumque temere ac periculose
neque timorem Dei prae oculis ha-
bentes nec agnoscentes ecclesiasti-
cam regulam discedunt ab ecclesia
presbyteri aut diaconi vel quicum-
que sub regula modis omnibus ad-
probantur, huiusmodi nequaquam
debent in alia ecclesia recipi, sed

¹ Cf. cone. Neocaes. (315/324), c. 5 (CSP 77).

² Cf. Can. ap. 14-15 (CSP 14-15).

³ Cf. Can. ap. 15-16 (CSP 15); cone. Arel. (314), c. 21 (Msi 2, 473).

14

Concerning catechumens who have lapsed'

Concerning catechumens who have lapsed, this holy and great synod decrees that, after they have spent three years as hearers only, they shall then be allowed to pray with the catechumens.

15

*Concerning a cleric who transfers from city to city**

On account of the great disturbance and the factions which are caused, it is decreed that the custom, if it is found to exist in some parts contrary to the canon, shall be totally suppressed, so that neither bishops nor presbyters nor deacons shall transfer from city to city. If after this decision of this holy and great synod anyone shall attempt such a thing, or shall lend himself to such a proceeding, the arrangement shall be totally annulled, and he shall be restored to the church of which he was ordained bishop or presbyter or deacon.

16

*Concerning those who do not remain in the churches in which they were promoted**

Any presbyters or deacons or in general anyone enrolled in any rank of the clergy who depart from their church recklessly and without the fear of God before their eyes or in ignorance of the church's canon, ought not by any means to be received in another church, but all pressure must be applied to them to

¹ See council of Neocaesarea (315/324), canon 5 (CSP 77; trans. Percival 81).

¹ See Apostolic canons 14-15 (CSP 14-15; trans. Percival 594).

³ See Apostolic canons 15-16 (CSP 16; trans. Percival 594-595); council of Arles (314), canon 21 (Msi 2, 473).

κην αὐτοὶ ἐπάγεσθαι χρὴ ἀναστρέ-
ψαι· στρ τ' I ἐχυτῶν τχευυζιχΓ. r :ττι·
μένοντα ἀκοινῶνητου εἶναι προσ-
ηκει. Εἰ δὲ καὶ τολμήσειέν τι ὑφαρ-
· z-k' ζ<> ἑτέρω διαφέρυντα
καὶ χειροτονήσαι ἐν τῇ αὐτοῦ εκ-
κλησία, μὴ συγκατατιθεμένου τοῦ
ἰδίου ἐπισκόπου, οὐ ἀνεχώρησεν ὁ
ἐν τῷ κανόνι ἐξεταζόμενο , ἀκυρο
ι· ἔστω ἡ χειροτονία.

IZ

Περὶ κληρικῶν τοκιζόντων

Επειδὴ πολλοὶ ἐν τῷ κανόνι ἐξετα-
ζόμενοι τὴν πλεονεξίαν καὶ τὴν αἰσ-
χροκερδίαν διώκοντε ἐπελάθοντο
ο. τοῦ θείου γράμματος τοῦ λέγοντα *
‘ Τὸ ἀργύριον αὐτοῦ οὐκ ἔδωκεν
ἐπὶ τόκῳ². καὶ δανείζοντε ἑκα-
τοστὰ ἀπαιτοῦσιν, ἐδικαίωσεν ἡ ἁγία
καὶ μεγάλη σύνοδος , ὥ εἰ τι εὐρεθεῖη
ιο μετὰ τον ὅρον τοῦτον τόκου λαμ-
βάνων ἐκ μεταχειρίσεω , ἡ ἄλλω
μετερχόμενο το πρᾶγμα ἡ ἡμιολία
ἀπαιτῶν, ἡ ἄλλω ἑτερόν τι ἐπινοῶν
αἰσχροῦ κέρδους ἕνεκα, καθαιρεθῆσε-
« ται τοῦ κλήρου καὶ ἀλλότριον τοῦ
κανόνα ἔσται.

IH

Περὶ τοῦ μὴ διδόναι τοῦ
διακόνου τὴν εὐχαριστίαν τοῖ
πρεσβυτέροι * καὶ ἵνα μὴ προ
80 τούτων κάθηνται

ΠλΟεν ἱ.r τὴν ἀ·ίαν κχι ur-xZrv
σύνοδον, ὅτι l·/ τισι τόποι καὶ πό-
λεσι τοῖ πρεσβυτέροι τὴν κοινω-
νίχιν οἱ διάκονοι διδοασιν, ὅζερ οὔτε ο
35 κανῶν οὔτε ἡ σ_νῆθεια παρέδωκε,
τοῦ ἐξουσίαν μὴ ἔχοντα προσφέρειν
τούτου τοῖ προσφέρουσι διδόναι
τὸ σῶμα τοῦ Χριστοῦ ' κάκεινο δὲ

omnem necessitatem convenit illis
inferri, ut ad suas paroecias rever-
tantur, aut si non fecerint oportet
cos communione privari. Si quis
autem ad alium pertinentem audac-
ter invadere et in sua ecclesia ordi-
nare praesumpserit non consentiente
episcopo, a quo discessit is, qui
regulae mancipatur: ordinatio talis
irrita comprobetur.

XVII

De tiericis qui usuras accipiunt

Quoniam multi sub regula consti-
tuti avaritiam et turpia lucra sectan-
tur, oblique divinae scripturae, di-
centis *qui pectmam suam non dedit*
*ad usuram*², cum mutuum dederint,
centesimas exigunt: iuste constituit
sancta et magna synodus, ut, si quis
inventus fuerit post hanc definitio-
nem usuras accipiens aut per ad-
inventionem aliquam vel quolibet
modo negotium transigens aut hi-
molia, id est sescupla, exigens vel
aliquid tale prorsus excogitans tur-
pis lucri gratia: deiciatur a clero et
alienus exsistat a regula.

XVIII

De privilegiis presbyterorum

Provenit ad sanctum magnumque
concilium, quod in quibusdam locis
et civitatibus presbyteris gratiam
sacrae communionis diaconi porri-
gant. Quod nec regula nec consue-
tudo permittit, ut ab his qui potesta-
tem non habent offerendi illi qui
offerunt Christi corpus accipiant.

1 CL Can. ap. 44 (CSP 30). 1 Ps 14, 5.

induce them to return to their own dioceses, or if they remain it is right that they should be excommunicated. But if anyone dares to steal away one who belongs to another and to ordain him in his church without the consent of the other's own bishop among whose clergy he was enrolled before he departed, the ordination is to be null.

17

Concerning clerics who practise usury¹

Since many enrolled [among the clergy] have been induced by greed and avarice to forget the sacred text, “who does not put out his money at interest”², and to charge one per cent [a month] on loans, this holy and great synod judges that if any are found after this decision to receive interest by contract or to transact the business in any other way or to charge [a flat rate of] fifty per cent or in general to devise any other contrivance for the sake of dishonourable gain, they shall be deposed from the clergy and their names struck from the roll.

18

That deacons should not give the eucharist to presbyters or be seated above them

It has come to the attention of this holy and great synod that in some places and cities deacons give communion to presbyters, although neither canon nor custom allows this, namely that those who have no authority to offer should give the body of Christ to those who do offer. Moreover it has become known

¹ See Apostolic canons 44 (CSP 30; trans. Percival 597).

² Ps 14, 5.

ἐγνωρίσθη δτι ἡδη τινέ τῶν διακόνων καί πρό τῶν ἐπισκόπων τῇ εὐχαριστίᾳ ἀπτονται. Ταῦτα μὲν οὖν πάντα περιαιρείσθω, καί ἐμμενέτωσαν οἱ διάκονοι ἐν τοῖ οἰκείοις μέτροι, εἰδότε δτι τοῦ μὲν ἐπισκόπου ὑπηρεταί εἰσὶ, τῶν δὲ πρεσβυτέρων ἐλάττω τυγχάνουσιν. Ἰλαβανέτωσαν δὲ κατὰ τάξιν τὴν εὐχαριστίαν μετὰ τοῦ πρεσβυτέρου, ἢ τοῦ ἐπισκόπου διδόντο ἢ τοῦ πρεσβυτέρου. Ἀλλὰ μηδέ καθήσθαι ἐν μέσῳ τῶν πρεσβυτέρων ἐξέστω τοῖς διακόνοις. παρὰ κανόνα γάρ καὶ παρὰ τάξιν ἐστὶ τὸ γινόμενον. Εἰ δέ τι μὴ θέλοι πειθαρχεῖν καὶ μετὰ τούτου τοῦ οἴκου, παυέσθω τῇ διακονίᾳ.

IΘ

Περὶ τῶν ἐκ Παύλου τοῦ
Σαμοσατέως προσιόντων

Περὶ τῶν παυλιανιστῶν, εἴτα προσφευγόντων τῇ καθολικῇ ἐκκλησίᾳ ὁρὸ ἐκτέθειται ἀναβαπτίζεσθαι αὐτοῦ ἐξάπαντο. Εἰ δέ τις ἐν τῷ παρεληλυθότι χρόνῳ ἐν τῷ κλήρῳ ἐξητάσθησαν, εἰ μὲν ἀμεμπτοὶ καὶ ἀνεπίληπτοι φανεῖεν, ἀναβαπτισθέντες χειροτονείσθωσαν ὑπὸ τῇ καθολικῇ ἐκκλησίᾳ ἐπισκόπου. εἰ δὲ ἡ ἀνάκρισις ἀνεπιτηδεῖ αὐτοῦ εὐρίσκοι, καθαιρεῖσθαι αὐτοῦ προσήκει. * Ὡσαύτως δὲ καὶ περὶ τῶν διακονισσῶν καὶ ἄλλῳ περὶ τῶν *h*τ τῷ κανόνι ἐξεταζομένων ὁ αὐτὸς τύπος παραφυλαχθήσεται. Ἐμνήσθημεν δὲ τῶν διακονισσῶν τῶν ἐν τῷ σχήματι ἐξετασθεισῶν, ἐπεὶ μήτε χειροθεσίαν τινὰ ἔχουσιν, ὥστε ἐξάπαντο ἐν τοῖς λαϊκοῖς αὐτὰ ἐξετάζεσθαι.

» Cf. Can. ap. 47 (CSP 31).

Necnon et illud innotuit, quod nonnulli diaconorum ante episcopos sacras oblationes attingunt. Haec igitur omnia resecantur et in sua diaconi mensura permaneant, scientes, quod episcoporum quidem ministri sunt, presbyteris autem inferiores probentur. Per ordinem ergo post presbyteros gratiam communionis accipiant aut episcopo eis aut presbytero porrigente. Sed nec sedere in medio presbyterorum diaconis liceat, quia, si hoc fiat, praeter regulam et ordinem probatur exsistere. Si quis autem etiam post has definitiones oboedire noluerit, a ministerio cessare debet.

XIX

*De his qui ab errore Pauli Samosatani
refugiunt, et de diaconissis*

20

De paulianistis ad ecclesiam catholicam confugientibus prolata definitio est, ut baptizentur omnimodis. Si qui vero ex his praeterito tempore in clero fuerunt, si quidem immaculati et inreprehensibiles appa-
ruerunt, baptizari ordinentur ab episcopo ecclesiae catholicae. Quod si discussio repperit eos incongruos, abici tales conveniet. Similiter autem et de diaconissis et omnino de his, qui in eadem regula versantur, haec forma servabitur. Meminimus autem de diaconissis quae in eodem habitu esse probantur, quod non habeant aliquam manus impositionem, et ideo modis omnibus eas inter laicos deputari.

that some of the deacons now receive the eucharist even before the bishops. All these practices must be suppressed. Deacons must remain within their own limits, knowing that they are the ministers of the bishop and subordinate to the presbyters. Let them receive the eucharist according to their order after the presbyters from the hands of the bishop or the presbyter. Nor shall permission be given for the deacons to sit among the presbyters, for such an arrangement is contrary to the canon and to rank. If anyone refuses to comply even after these decrees, he is to be suspended from the diaconate.

19

Concerning the followers of Paul of Samosata who come over'

Concerning the former Paulinists who seek refuge in the catholic church, it is determined that they must be rebaptised unconditionally. Those who in the past have been enrolled among the clergy, if they appear to be blameless and irreproachable, are to be rebaptised and ordained by the bishop of the catholic church. But if on inquiry they are shown to be unsuitable, it is right that they should be deposed. Similarly with regard to deaconesses and all in general whose names have been included in the roll, the same form shall be observed. We refer to deaconesses who have been granted this status, for they do not receive any imposition of hands, so that they are in all respects to be numbered among the laity.

¹ See Apostolic canons 47 (CSP 31; trans. Percival 597).

K

Περὶ τοῦ μὴ δεῖν ἐν
κυριακαῖ καὶ ταῖ τη
πεντηκοστῇ ἡμέραι γόνυ κλίνειν¹

Επειδὴ τινὲ εἰσιν ἐν τῇ κυριακῇ
s γόνυ κλίνοντε καὶ ἐν ταῖτ ~r,- πεν-
τηκοστῇ ἡμέραι, ὑπὲρ τοῦ πάντα
ἐν πάσῃ παροικίᾳ ὁμοίῳ παραφυ-
λάττεσθαι, ἐστῶτα ἐδόξε τῇ ἁγίᾳ
συνόδῳ τὰ εὐχὰ ἀποδιδόναι τῷ
io κυρίῳ.

Ἐπιστολὴ τῇ συνόδῳ τῇ ἐν
Νικαίᾳ πρὸ τοῦ Αἰγυπτίου

Τῇ ἁγίᾳ καὶ μεγάλῃ Θεοῦ χάριτι
Ἀλεξανδρέων ἐκκλησίᾳ καὶ τοῖ κατ'
is Αἰγυπτον καὶ Αἰβύην καὶ Πεντάπολιν
ἀγαπητοῖ ἀδελφοῖ οἱ ἐν Νικαίᾳ
συναχθέντε καὶ τὴν μεγάλην καὶ
ἁγίαν σύνοδον συγκροτήσαντε
ἐπίσκοποι ἐν κυρίῳ χαίρειν.
io Ἐπειδὴ τῇ τοῦ Θεοῦ χάριτι καὶ
τοῦ Θεοφιλέστατου βασιλέω
Κωνσταντίνου συναγαγόντο ἡμᾶ
ἐκ διαφόρων ἐπαρχιῶν καὶ πόλεων
ἡ μεγάλη καὶ ἁγία σύνοδος ἐν
25 Νικαίᾳ συνεκροτήθη, ἐξ ἀπαντο
ἀναγκαῖον ἐφάνη παρὰ τῇ ἱερᾷ
συνόδῳ καὶ πρὸ ὑμᾶ ἐπιτεθῆναι
γράμματα, ἵν* εἰδέναι ἔχοιτε, τίνα
μὲν ἐκίνηθη καὶ ἐξητάσθη, τίνα δέ
30 ἐδόξε καὶ ἐκρατύνθη. Πρῶτον μὲν
οὖν ἀπάντων ἐξητάσθη τὰ κατὰ
τὴν ἀσέβειαν καὶ τὴν παρανομίαν
Ἀρείου καὶ τῶν συν αὐτῷ ἐπὶ
παρουσία τοῦ Θεοφιλεστάτου
35 βασιλέω Κωνσταντίνου. Καὶ
παμψηφί ἐδοξεν ἀναθεματισθῆναι τὴν
ἀσεβῆ αὐτοῦ δόξαν καὶ τὰ ῥήματα
καὶ τὰ ὀνόματα τὰ βλάσφημα, οἱ
ἐκέχρητο βλάσφημων τὸν υἱὸν τοῦ
40 Θεοῦ, λέγων² »ἐξ οὐκ ὄντων εἶναι«

XX

Deflitttndo genul

Quoniam sunt quidam in die do-
minico genu flectentes et in diebus
pentecostes: ut omnia in universis
locis consonanter observentur, pla-
cuit sancto concilio stantes Domino
vota persolvere.

Epistula nicaeni concilii ad
Aegyptios

Sancta et magna synodus per dei
gratiam ecclesiae Alexandriae, dilec-
tissimis fratribus per Aegyptum,
Libyam et Pentapolim apud Nicae-
am civitatem collecti sanctum et
magnum concilium constituerunt
in deo salutem.

Quoniam per gratiam dei piissimo
imperatore Constantino nos con-
gregante ex diversis ac multis
provinciis sancta ac magna synodus
apud Nicaeam convenit, omni
modo necessarium visum est a
sacro concilio etiam ad vos litteras
dare, ut cognoscatis, quae sunt
mota, quae ventilata, quae vero
placita. Primum quidem examina-
tum est de impietate ac scelere Arrii
et eius sociorum sub praesentia
piissimi imperatoris Constantini. Et
ex omnium sententia definiimus
anathematizare glorificationem eius
impiam et verba maledicta ac sensus,
quibus utebatur blasphemans dei
filium et dicens² ex nihilo esse et
antequam nasceretur non fuisse et
fuisse tempus, quando non erat, et
propria potestate virtutis ac malitiae

¹ Cf. Petrus A1., c. 15 (CPG 57-58).

² Cf. anathemata symbolo adnexa.

That one must not kneel on Sundays or during the season of Pentecost'

Since there are some who kneel on Sunday and during the season of Pentecost, this holy synod decrees that, so that the same observances may be maintained in every diocese, one should offer one's prayers to the Lord standing.

The letter of the synod in Nicaea to the Egyptians

The bishops assembled at Nicaea, who constitute the great and holy synod, greet the church of the Alexandrians, by the grace of God holy and great, and the beloved brethren in Egypt, Libya and Pentapolis.

Since the grace of God and the most pious emperor Constantine have called us together from different provinces and cities to constitute the great and holy synod in Nicaea, it seemed absolutely necessary that the holy synod should send you a letter so that you may know what was proposed and discussed, and what was decided and enacted. First of all the affair of the impiety and lawlessness of Arius and his followers was discussed in the presence of the most pious emperor Constantine. It was unanimously agreed that anathemas should be pronounced against his impious opinion and his blasphemous terms and expressions which he has blasphemously applied to the Son of God, saying¹ “he is from things that are not”, and “before he was begotten he was not”, and “there once was when he

¹ See Peter of Alexandria, canon 15 (CPG 57-58; trans. Percival 601).

² See the anathemas appended to the creed.

καὶ »πρὶν νεννηθῆναι μὴ εἶναι« καὶ
 »εἶναι ποτέ δτε οὐκ ἦν«, καὶ
 ὡς τεξουσιότητι κακία καὶ ἀρετὴ
 δεκτικὸν τὸν υἱὸν τοῦ θεοῦ λέγοντα
 καὶ κτίσμα ὀνομάζοντο καὶ ποιήμα.
 "Ἀπαντα ἀνεθεμάτισεν ἡ ἅγια σύνοδος
 οὐδέ ὅσον ἀκούσαι τῇ ἀσεβοῦ
 δόξῃ καὶ τῇ ἀπονοίᾳ καὶ των
 βλάσφημων ρημάτων ἀνασχομένη.
 Καὶ τὰ μὲν κατ' ἐκείνον οἴου τέλους
 τετύχηκε πάντῳ ἡ ἀκηκόατε ἡ
 ἀκούσεσθε, ἵνα μὴ δόξωμεν ἐπεμβαί-
 νειν ἀνδρὶ δι' οἰκείαν ἀμαρτίχην ἀξία
 τὰ ἐπιχειρᾶ κομισαμένῳ. Τοσοῦτον
 δὲ ἰσχυσεν αὐτοῦ ἡ ἀσέβεια, ὥ καὶ
 παραπολαύσαι Θεωνὰν ἀπὸ Μαρμαρι-
 κῆ καὶ Σεκούνδον ἀπὸ Πτολεμαίδο,
 των γὰρ αὐτῶν κάκεινοι τετυχήκασιν,
 Ἀλλ' ἐπειδὴ ἡ τοῦ θεοῦ χάρις τη
 μὲν κακοδοξία ἐκείνη καὶ τῇ
 βλάσφημίᾳ καὶ των προσώπων των
 τολμησάντων διάστασιν καὶ διαίρεσιν
 ποιήσασθαι τοῦ εἰρηνευομένου ἀνωθεν
 λαοῦ ἡλευθέρωσεν τὴν Αἴγυπτον,
 ἐλείπετο δὲ τὸ κατὰ τὴν προπέτειαν
 Μελιτίου καὶ των ὑπ' αὐτοῦ χειρο-
 τονηθέντων καὶ περὶ τούτου τοῦ
 μέρους ἔδοξε τῇ συνόδῳ ἐμφανίζομεν
 ὑμῖν, ἀγαπητοὶ ἀδελφοί. Ἐδοξεν οὖν
 Μελίτιον μὲν φιλανθρωπότερον
 κινηθεῖσθαι τῇ συνόδῳ — κατὰ γὰρ
 τὸν ἀκριβὴ λόγον οὐδεμιᾷ συγγνώμῃ
 ἄξιο ἦν — μένειν ἐν τῇ ἑαυτοῦ
 πόλει καὶ μηδεμίαν ἐξουσίαν εἶναι
 μήτε προχειρίζεσθαι μήτε χειροθετεῖν
 μήτε ἐν χώρᾳ μήτε ἐν πόλει ἑτέρα
 φαίνεσθαι τούτῃ τῇ προφάσει
 ἐνεκα, ψιλὸν δὲ τὸ ὄνομα τῇ τιμῇ
 κεκτῆσθαι.

Τοῦ δὲ ὑπ' αὐτοῦ κατασταθέντα μυσ-
 τικωτέρα χειροτονία βεβαιωθέντα
 κοινωνηθῆναι ἐπὶ τούτοις, ἐφ' ὥστε
 εἶναι μὲν αὐτοῦ τὴν τιμὴν καὶ λει-
 τουργεῖν, δευτέρου δὲ εἶναι ἐξάπαντο

esse capacem filium dei, asserens
 creaturam esse et facturam. Haec
 omnia posuit anathema sanctum
 concilium, sed nec audire glori-
 ficationem impiam et inmanitatem
 ac maledica verba sustinuit. Et ille
 quidem quem exitum vel finem
 habuerit meritorum forsitan audistis
 vel audietis, ne insultare homini
 videamur obprobrium peccato dignum
 perpeso. Tantum autem prae-
 valuit eius impietas, ut etiam cum
 eo pateretur Theonas de Marmarica
 et Secundus de Ptolemaide, nam et
 ipsi quoque eadem meruerunt.

Sed quoniam dei gratia illa mala glo-
 rificatione et blasphemiiis ac personis
 praesumentibus sibi separationem
 et heresim facere pacifico ab initio
 populo Aegyptum liberavit, de
 temeritate Meletii et ordinatorum
 ab eo quae statuta sunt vobis
 indicamus, dilectissimi fratres. Pla-
 cuit igitur Meletium quidem, huma-
 nus agere sancto concilio benignius
 commoto — pro enim certa ratione
 nullam indulgentiam merebatur —
 manere in civitate sua nullamque
 habere potestatem neque provehen-
 di nec ordinandi episcopos sive in
 territoriis sive in aliqua civitate
 huius rei causa apparere.

Ordinatos sane ab ipso in archana
 ordinatione firmatos communicare
 sub hac videlicet conditione, ut <cle-
 rum> teneant quidem et ministrent,
 secundos autem esse sine dubio om-

1 Cf. can. Nie. 8 (v. supra, p. 10).

was not”, saying too that by his own power the Son of God is capable of evil and goodness, and calling him a creature and a work. Against all this the holy synod pronounced anathemas, and did not allow this impious and abandoned opinion and these blasphemous words even to be heard. Of that man and the fate which befell him, you have doubtless heard or will hear, lest we should seem to trample upon one who has already received a fitting reward because of his own sin. Such indeed was the power of his impiety that Theonas of Marmarica and Secundus of Ptolemais shared in the consequences, for they too suffered the same fate.

But since, when the grace of God had freed Egypt from this evil and blasphemous opinion, and from the persons who had dared to create a schism and a separation in a people which up to now had lived in peace, there remained the question of the presumption of Meletius and the men whom he had ordained, we shall explain to you, beloved brethren, the synod’s decisions on this subject too. The synod was moved to incline towards mildness in its treatment of Meletius, for strictly speaking he deserved no mercy. It decreed that that he might remain in his own city without any authority to nominate or ordain, and that he was not to show himself for this purpose in the country or in another city, and that he was to retain the bare name of his office.

It was further decreed that those whom he had ordained¹, when they had been validated by a more spiritual ordination, were to be admitted to communion on condition that they would retain their rank and exercise their ministry, but in every respect were to be second to all the clergy in each diocese and church who

* See Nicaea, canon 8 (above p. 10).

πάντων τῶν ἐν ἑκάστη παρυιχία κχι
ἐκκλησία ἐξεταζομένων τῶν ὑπὸ τον
τιμιώτατον <ἀδελφόν> καὶ συλλειτουργ-
γόν ἡμῶν Ἀλέξανδρον προκεχειρισ-
5 μένων, ὡς τοῦτοι μὲν μηδεμίαν ἐξου-
σίαν εἶναι τοῦ ἀρέσκοντα αὐτοῖ
προχειρίζεσθαι ἢ ὑποβάλλειν ὀνόματα
ἢ δλω ποιεῖν τιχωρὶ γνώμη του τη
καθολικῆ ἐκκλησίας επισκόπου τῶν
1. ὑπὸ Ἀλέξανδρον, Τοῦ δὲ χάριτι
θεοῦ καὶ εὐχαῖ ὑμετέρας ἐν μηδενί
σχίσματι εὐρεθέντα, ἀλλὰ ἀκηλιδῶ-
του ἐν τῇ καθολικῇ καὶ ἀποστολικῇ
ἐκκλησίᾳ ὄντα ἐξουσίαν ἔχειν καὶ
15 προχειρίζεσθαι καὶ ὀνόματα ἐπι-
λέγεσθαι τῶν ἀξίων τοῦ κλήρου καὶ
ὅλω πάντα ποιεῖν κατὰ νόμον καὶ
θεσμόν τον ἐκκλησιαστικόν.

Εἰ δὲ τινα συμβαίῃ ἀναπαύσασθαι τῶν
ἐν τῇ ἐκκλησίᾳ, τηνικαὐτα προσανα-
βαίνειν εἰ την τιμὴν τοῦ τετελευτη-
κότο τοῦ ἄρτι προσληφθέντα,
μόνον εἰ ἀξιοὶ φαίνονται καὶ ὁ λαὸς
αἰροῖτο συνεπιψηφίζοντο αὐτῷ καὶ
15 ἐπισφραγίζοντο τοῦ τῇ Ἀλεξαν-
δρείᾳ επισκόπου. Τοῦτο δὲ τοῖ μὲν
ἄλλοι ἀπασι συνεχωρήθη, ἐπὶ δὲ
τοῦ Μελιτίου προσώπου οὐκέτι τα
αὐτὰ ἔδοξε διὰ την ἀνέκαθεν αὐτοῦ
αταξίαν καὶ διὰ τὸ πρόχειρον καὶ
προπετέ τῇ γνώμῃ, ἵνα μηδεμία
ἐξουσία ἢ αὐθεντία αὐτῷ δοθεῖῃ
ἀνθρώπῳ δυναμένῳ πάλιν τὰ αὐτὰ
ἀταξία ποιῆσαι.

35 Ταῦτά ἐστι τὰ ἐξαιρετά καὶ διαφέρον-
τα Αἰγύπτῳ καὶ τῇ ἁγιωτάτῃ Ἀλε-
ξανδρέων ἐκκλησίᾳ· εἰ δὲ τι ἄλλο ἐκα-
νονίσθη ἢ ἐδογματίσθη συμπρόντο
τοῦ κυρίου καὶ τιμιωτάτου συλλει-
40 τουργοῦ καὶ ἀδελφοῦ ἡμῶν Ἀλεξάν-
δρου, αὐτὰ παρῶν ἀκριβέστερον ἀνοι-
σει πρὸ ὑμᾶς ἅτε δὴ καὶ κύριον καὶ
κοινωνόν τῶν γεγενημένων τυγχάνων¹.

muni, qui sunt in parociis et in ec-
clesiis sub carissimo et conministro
Alexandro, quibus ne liceat quos
voluerint ordinare aut pro nomine
alicuius suggerere vel omnino quid
facere sine voluntate episcopi catho-
licae et apostolicae ecclesiae. Qui
vero sub Alexandro sunt qui per dei
gratiam et vestras orationes in nullo
delicto repperiti sunt, sed sunt in-
maculati in catholica et apostolica
ecclesia constituti, habeant potesta-
tem provehendi, nominandi et eli-
gendi dignos cleros <et> omnia
denique facere secundum legem et
ordinem ecclesiasticum.

Si autem evenerit quosdam quiescere
in ecclesiis, tunc ad honorem acce-
dere mortui nunc susceptos, tantum
si quis dignus videatur et populus
voluerit consentiente et confirmante
catholicae et apostolicae episcopo
Alexandriae ecclesiae. Hoc autem
omnibus aliis concessum est, nam in
Meletii persona non placuit propter
insitam eius insaniam et morum pro-
cacitatem atque temeritatem, quo
nulla potestas auctoritatis conceda-
tur homini praevalenti ad easdem
insolentias reppedere.

Haec sunt praecipua et pertinentia
ad Aegyptum et sanctam ecclesiam
Alexandriae. Si quid vero aliud est
redactum ad regulam vel decretum
praesentibus nobis cum carissimo et
conministro nostro Alexandro, prae-
sens ipse refert, ut potest dominus
ac socius actitarum trerum)¹.

¹ Hinc usque ad finem versio latina deest.

had been nominated under our most honoured brother and fellow minister Alexander; they were to have no authority to appoint candidates of their choice or to put forward names or to do anything at all without the consent of the bishop of the catholic church, namely the bishop of those who are under Alexander. But those who by the grace of God and by our prayers have not been detected in any schism, and are spotless in the catholic and apostolic church, are to have authority to appoint and to put forward the names of men of the clergy who are worthy, and in general to do everything according to the law and rule of the church.

In the event of the death of any in the church, those who have recently been accepted are thereupon to succeed to the office of the deceased, provided that they appear worthy and are chosen by the people; the bishop of Alexandria is to take part in the vote and confirm the election. This privilege, which has been granted to all others, does not apply to the person of Meletius because of his inveterate seditiousness and his mercurial and rash disposition, lest any authority or responsibility should be given to one who is capable of returning to his seditious practices.

These are the chief and most important decrees as far as concerns Egypt and the most holy church of the Alexandrians. Whatever other canons and decrees were enacted in the presence of our lord and most honoured fellow minister and brother Alexander, he will himself report them to you in greater detail when he comes, for he was himself a leader as well as a participant in the events.¹

¹ Latin text ends here.

Εὐαγγελιζόμεθα δέ ὑμᾶς περί τῃ μὲν μετὰ μείζονο τιμῇ καὶ πλείονο
 συμφωνία τοῦ ἁγίου πάσχα, ὅτι ἀγάπη τὸν συλλειτουργὸν ἡμῶν,
 ὑμετέρας εὐχαῖς κατωρθώθη καὶ ὑμῶν δὲ ἐπίσκοπον Ἀλέξανδρον τὸν
 τοῦτο τὸ μέρος, ὥστε πάντα τοῦ εὐφράναντα ἡμᾶς τῇ παρουσίᾳ καὶ
 ἐν τῇ ἐῶα ἀδελφοῦ τοῦ μετὰ τῶν ἐν ταύτῃ τῇ ἡλικίᾳ τοσοῦτον πόνον s
 Ἰουδαίων τὸ πρότερον ποιοῦντα ὑποστάντα ὑπὲρ τοῦ εἰρήνην γενέσθαι
 συμφώνω Ῥωμαῖοι καὶ ὑμῖν καὶ καὶ παρ' ὑμῖν. Εὐχεσθε δὲ καὶ περὶ
 πάσιν ἡμῖν τοῖς ἐξ ἀρχαίου μεθ' ἡμῶν ἀπάντων, ἵνα τα καλῶ ἔχειν
 ὑμῶν φυλασσοῦσι τὸ πάσχα ἐκ τοῦ δόξαντα ταῦτα βέβαια μένοι διὰ τοῦ
 δεῦρο ἄγειν. Χαίροντε οὖν ἐπὶ τοῖς παντοκράτορο θεοῦ καὶ διὰ τοῦ 10
 κατορθώμασι καὶ ἐπὶ τῇ κοινῇ κυρίου ἡμῶν Ἰησοῦ Χριστοῦ ἐν
 εἰρήνῃ καὶ συμφωνίᾳ καὶ ἐπὶ τῷ ἁγίῳ πνεύματι, ὡς ἡ δόξα εἰς τοῦ
 πάσαν αἵρεσιν ἐκκοπήναι ἀποδέξασθε αἰῶνα τῶν αἰώνων. Ἀμήν.

We also send you the good news of the settlement concerning the holy pasch, namely that in answer to your prayers this question also has been resolved. All the brethren in the East who have hitherto followed the Jewish practice will henceforth observe the custom of the Romans and of yourselves and of all of us who from ancient times have kept Easter together with you. Rejoicing then in these successes and in the common peace and harmony and in the cutting off of all heresy, welcome our fellow minister, your bishop Alexander, with all the greater honour and love. He has made us happy by his presence, and despite his advanced age has undertaken such great labour in order that you too may enjoy peace. Pray for us all that our decisions may remain secure through almighty God and our lord Jesus Christ in the holy Spirit, to whom is the glory for ever and ever. Amen.

Constantinople I

381

INTRODUCTION

In the year 380 the emperors Gratian and Theodosius I decided to convoke this council to counter the Arians, and also to judge the case of Maximus the Cynic, bishop of Constantinople. The council met in May of the following year. One hundred and fifty bishops took part, all of them eastern Orthodox, since the Pneumatomachi party had left at the start.

After Maximus had been condemned, Meletius, bishop of Antioch, appointed Gregory of Nazianzus as the lawful bishop of Constantinople and at first presided over the council. Then on Meletius's sudden death, Gregory took charge of the council up to the arrival of Acholius, who was to table Pope Damasus's demands: namely, that Maximus should be expelled as an interloper, and that the translation of bishops should be avoided. But when Timothy, bishop of Alexandria, arrived he declared Gregory's appointment invalid. Gregory resigned the episcopacy and Nectarius, after baptism and consecration, was installed as bishop and presided over the council until its closure.

No copy of the council's doctrinal decisions, entitled τόμο και ἀναθemaτισμο ἐγγράφο (record of the tome and anathemas), has survived¹. So what is presented here is the synodical letter of the synod of Constantinople held in 382~, which expounded these doctrinal decisions, as the fathers witness, in summary form: namely, along the lines defined by the council of Nicaea, the consubstantiality and coeternity of the three divine persons against the Sabelians, Anomoeans, Arians and Pneumatomachi, who thought that the divinity was divided into several natures; and the ἐνανθρώπησι (taking of humanity) of the Word, against those who supposed that the Word had in no way taken a human soul³. All these matters were in close agreement with the tome that Pope Damasus and a Roman council, held probably in 378, had sent to the East.

Scholars find difficulties with the creed attributed to the council of Constantinople. Some say that the council composed a new creed. But no mention is made of this creed by ancient witnesses until the council of Chalcedon; and the council of Constantinople was said simply to have endorsed the faith of Nicaea, with a few additions on the holy Spirit to refute the Pneumatomachian heresy. Moreover, if the latter tradition is accepted, an explanation must be given of why the first two articles of the so-called Constantinopolitan creed differ considerably from the Nicene creed.

¹ See Grumel, 3.

² Theodoret, *Historia ecclesiastica (Church History)* V 9 (PG 82, 1211-1218; GCS 2ed. Parmentier 289-294), in Greek; Cassiodorus, *Historia ecclesiastica tripartita (Tripartite Church History)* IX 14 (PL 69, 1130-1133), in Latin.

³ See Grumel, 6.

It was J. Lebon, followed by J. N. D. Kelly and A. M. Ritter, who worked at the solution of this problem. Lebon said that the Nicene creed, especially since it was adapted to use at baptism, had taken on a number of forms. It was one of these which was endorsed at the council of Constantinople and developed by additions concerning the holy Spirit. All the forms, altered to some extent or other, were described by a common title as “the Nicene faith”. Then the council of Chalcedon mentioned the council of Constantinople as the immediate source of one of them, marked it out by a special name “the faith of the 150 fathers”, which from that time onwards became its widely known title, and quoted it alongside the original simple form of the Nicene creed⁴. The Greek text of the Constantinopolitan creed, which is printed below, is taken from the acts of the council of Chalcedon⁵.

The council of Constantinople enacted four disciplinary canons^{6,7} against the Arian heresy and its sects (can. 1), on limiting the power of bishops within fixed boundaries (can. 2), on ranking the see of Constantinople second to Rome in honour and dignity (can. 3), on the condemnation of Maximus and his followers (can. 4). Canons 2-4 were intended to put a stop to aggrandisement on the part of the see of Alexandria. The two following canons, 5 and 6, were framed at the synod which met in Constantinople in 382. The 7th canon is an extract from a letter which the church of Constantinople sent to Martyrius of Antioch⁸.

⁴ J. Lebon, *Les anciens symboles dans la définition de Chalcedoine*, Rev. d'Hist. Ecclés. 37 (1936) 574. See below pp. 83-85.

⁵ This creed is quoted for the first time in the acts of the second session of the council of Chalcedon, ed. ACO II 112, 80. It was also inserted, along with the Nicene creed, in the council of Chalcedon's definition of faith, which was approved in that council's fifth session and promulgated in its sixth session, see ACO II I 2, 128. It is probably from this second text that two further texts derive: the creed which is found in the anti-Chalcedonian florilegium compiled at the end of the fifth century and preserved in cod. Vat. graec. 1431, see ACO I I 7, 65; and the creed in the definition of the sixth ecumenical council in 681, see Mansi 11, 633 (see below p. 125).

In order to explain the considerable differences, according to some sources, between the texts of the creed at the second and fifth sessions of the council of Chalcedon, E. Schwartz, *Das Nicaenum und das Constantnopolitanum aus der Synode von Chalkedon*, Zeitschrift für die neuest. Wiss. 25 (1926) 33-88, took the view that the text of the creed inserted into the definition approved at the fifth session was deliberately altered by the council. J. Lebon, *Les anciens symboles* - - 809-876, dismissed this view. He considered that the different versions derive from the variations in the tradition which we have mentioned above, and that the fathers of Chalcedon never altered the text of the creed.

The text of the creed printed below is that of the second session of the council of Chalcedon: in Greek, according to the manuscripts of the acts; in Latin, according to the translation of the acts of the second session published by the deacon Rusticus in the years 564-565, ACO II III 2, 6-7. For the sources and variant readings in the creed, see G. L. Dossetti, *Il simbolo di Nicaea e di Costantinopoli*, Rome 1967.

⁶ The Greek text printed below is from the collection of canons made by John Scholasticus (ed. CCO 45-54). The first three canons are quoted by the council of Chalcedon, see ACO II I 3, 96, with minimal changes. The Latin text of only canons 1-4 is to be found in the ancient translations (but see Turner II 421-425); we give the version by Dionysius Exiguus, and for canons 5-8 we have used the modern translation from Mansi 3, 559-563.

⁷ See Theodoret, *Historia ecclesiastica (Church History)* V 9, 13 (PG 82, 1212; GCS 2ed. Parmentier 293); C. H. Turner, *The Roman Council and Damasus, AD 382*, Journal of Theol. Studies 1 (1900) 554-560; Grumel, 5.

⁸ Grumel, 145; see CCO 43-44.

The council ended on 9 July 381, and on 30 July oi the same year, at the request oi the council fathers, the emperor Theodosius ratified its decrees by edict⁹.

Already from 382 onwards, in the synodical letter of the synod which met at Constantinople, the council of Constantinople was given the title of “ecumenical”. The word denotes a general and plenary council¹⁰. But the council of Constantinople was criticised and censured by Gregory of Nazianzus¹¹. In subsequent years it was hardly ever mentioned. In the end it achieved its special status when the council of Chalcedon, at its second session and in its definition of the faith, linked the form of the creed read out at Constantinople with the Nicene form, as being a completely reliable witness of the authentic faith. The fathers of Chalcedon acknowledged the authority of the canons — at least as far as the eastern church was concerned — at their sixteenth session¹². The council’s dogmatic authority in the western church was made clear by words of Pope Gregory I: “I confess that I accept and venerate the four councils (Nicaea, Constantinople, Ephesus and Chalcedon) in the same way as I do the four books of the holy Gospel... .”¹³

The bishop of Rome’s approval was not extended to the canons, because they were never brought “to the knowledge of the apostolic see”¹⁴. Dionysius Exiguus knew only of the first four — the ones to be found in the western collections. Pope Nicholas I wrote of the sixth canon to Emperor Michael III; “It is not found among us, but is said to be in force among you”¹⁵.

The English translation is from the Greek text, which is the more authoritative version.

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9 *Codex Theod. (Theodosian Code)* XVI I 3 (trans. C. Pharr, *The Theodosian Code*, Princeton 1952, 440); see Grumel, 4.

10 See H. Chadwick, *The Origin of the Title “Oecumenical Council”*, Journal of Theol. Studies 23 (1972) 132-135; see also below p. 29; CSP, appendix IL

11 Gregory of Nazianzus, *Carmina Historica (Historical Songs/Poems)* XL 1509-1949 (PG 37, 1134-1166).

12 See below, the council of Chalcedon; and ACO II I 2, 80; 2, 128; 3, 88-89; 3, 94-96.

13 Gregory I, *Reg. epist. (Register of letters)* I 24 (MGH *Epist.* I 36); see *Le concile 73*.

14 Leo I, *Epist. (Letters)* 56 (106), ACO II IV 61 ; Gregory I, *Reg. epist. (Register of letters)* VII 31 (MGH *Epist.* I 479).

15 Nicholas I, *Epist. (Letters)* 86 (PL 119, 933).

TEXT AND TRANSLATION

"Εχ[^]εσι των
ρν' πατέρων

Expositio fidei CL patrum

Πιστεύομεν εἰ ενα θεάν πατέρα
παντοκράτορα, ποιητήν οὐρανοῦ καί
s γῆ ὁρατῶν τε πάντων καί αοράτων
καί εἰ ἐνα κύριον Ἰησοῦν Χριστόν
τόν υἱόν τοῦ θεοῦ τόν μονογενή, τόν
ἐκ τοῦ πατρός Ἰ'εννηθέ'τα προ πάντων
των αἰώνων, φω ἐκ φωτό, θεόν
10 αληθινόν ἐκ θεοῦ ἀληθινοῦ, γεννηθέντα
οὐ ποιηθέντα, ὁμοούσιον τῷ πατρί,
δι* οὐ τα πάντα ἐγένετο, τόν δι'
ημᾶ τοῦ ἀνθρώπου καί διὰ την
ἡμετέραν σωτηρίαν κατελθόντα ἐκ
is τῶν οὐρανῶν καί σαρκωθέντα ἐκ
πνεύματος ἁγίου καί Μαρίας τη
παρθένου καί ἐνανθρωπήσαντα
σταυρωθέντα τε υπέρ ημῶν ἐπὶ
4 Ἰοντίου Πιλάτου καί παθόντα καί
so ταφέντα καί ἀναστάντα τῇ τρίτῃ
ἡμέρᾳ κατὰ τὰ γράφα καί ἀνελθόντα
εἰ τοῦ οὐρανοῦ καί καθεζόμενον
ἐν δεξιᾷ τοῦ πατρός καί πάλιν
ἐρχόμενον μετὰ δόξῃ κρίνα·, ζῶντα
25 καί νεκροῦ, οὐ τῇ βασιλείᾳ οὐκ
εσται τέλος· καί εἰ τὸ πνεῦμα τὸ
ἅγιον, τὸ κύριον καί ζωοποιόν, τὸ
ἐκ τοῦ πατρός ἐκπορευόμενον, τὸ
σὺν πατρὶ καί υἱῷ συμπροσκυ-
30 νούμενον καί συνδοξαζόμενον, τὸ
Λαλήσαν διὰ τῶν προφητῶν εἰ
μίαν ἁγίαν καθολικὴν καί ἀποστο-
λικὴν ἐκκλησίαν δμολογοῦμεν ἐν
βάπτισμα εἰ ἄφεσιν αμαρτιῶν
35 προσδοκῶμεν ἀνάστασιν νεκρῶν καί
ζωὴν τοῦ μέλλοντος αἰῶνος· ἀμήν.

Credimus in unum deum patrem
omnipotentem, factorem caeli et
terrae, visibilium omnium et invisi-
bilium; et in unum dominum Iesum
Christum filium dei unigenitum, ex
patre natum ante omnia saecula,
deum ex deo, lumen ex lumine,
deum verum ex deo vero, natum non
factum, omousion patri, hoc est
eiusdem cum patre substantiae, per
quem omnia facta sunt, qui propter
nos homines et nostram salutem
descendit et incarnatus est de spiritu
sancto et Maria virgine humanatus
est et crucifixus pro nobis est sub
Pontio Pilato et sepukus et tertia
die resurrexit et ascendit in caelis
et sedit ad dexteram patris et iterum
venturus cum gloria iudicare vivos
et mortuos, cuius regni non erit
finis; et in spiritum sanctum,
dominum et vivificatorem, ex patre
procedentem, cum patre et filio
coadorandum et conglorificandum,
qui locutus est per prophetas; in
unam catholicam et apostolicam
ecclesiam; confitemur unum bap-
tis-
ma in remissionem peccatorum et
expectamus resurrectionem mortuo-
rum et vitam futuri saeculi, amen.

The exposition of the 150 fathers

We believe in one God the Father all-powerful, maker of heaven and of earth, and of all things both seen and unseen. And in one Lord Jesus Christ, the only-begotten Son of God, begotten from the Father before all the ages, light from light, true God from true God, begotten not made, consubstantial with the Father, through whom all things came to be; for us humans and for our salvation he came down from the heavens and became incarnate from the holy Spirit and the virgin Mary, became human and was crucified on our behalf under Pontius Pilate; he suffered and was buried and rose up on the third day in accordance with the scriptures; and he went up into the heavens and is seated at the Father's right hand; he is coming again with glory to judge the living and the dead; his kingdom will have no end. And in the Spirit, the holy, the lordly and life-giving one, proceeding forth from the Father, co-worshipped and co-glorified with Father and Son, the one who spoke through the prophets; in one, holy, catholic and apostolic church. We confess one baptism for the forgiving of sins. We look forward to a resurrection of the dead and life in the age to come. Amen.

Επιστολή των ἐν Κωνσταντινουπόλει
συνελθόντων ἐπισκόπων¹

Epistula Constantinopolitani
concilii ad papam Damasum
et occidentales episcopos

Κυριοί τιμιωτάτοι καὶ εὐλαβεστά-
τοι ἀδελφοὶ καὶ συλλειτουργοὶ ,
Δαμάσω, Ἀμβροσίω, Βρίττωνι,
Οὐαλεριανῷ, Ἀχολίω, Ἀνεμίω,
Βασιλεί .) καὶ τοῖ λοιποῖ ἅγιοι
ἐπισκόποι τοῖ συνεληλυθοσιν ἐν τῇ
μεγαλοπόλει Ῥώμη, ἡ ἁγία σύνοδο
των ὀρθοδόξων ἐπισκόπων των
συνεληλυθόντων ἐν τῇ μεγαλοπόλει
Κωνσταντινουπόλει, ἐν κυρίῳ χαίρειν.

Τὸ μὲν ὧ ἀγνοοῦσαν διδάσκειν
τὴν ὑμετέραν εὐλάβειαν καὶ διηγεῖσθαι
των παθημάτων τὸ πλήθος των
ἐπαχθέντων ἡμῖν παρὰ τῇ των
ἀρειανῶν δυναστεία , περιττόν ἴσω .
οὔτε γὰρ πάρεργον τὰ καθ' ἡμᾶ
κρίνειν τὴν ὑμετέραν ἡγοῦμεθα
θεοσέβειαν ὧ δεῖσθαι τοῦ μαθεῖν
ταῦτα οἱ ἐχρὴν συναλγεῖν, οὔτε
τοιοῦτοί τινε οἱ περισχόντε ἡμᾶ
χειμῶνε ὧ λανθάνειν ὑπὸ σμικρό-
τητο . δ τε χρόνο των διωγμῶν
νεαρό , ἐναυλον ἐτι φυλάττων τὴν
μνήμην οὐ τοῖ πεπονθόσι μόνον,
ἀλλὰ καὶ τοῖ δι' ἀγάπην τὰ τῶν
πεπονθόντων οἰκείουμένοι . χθε γὰρ
ὧ εἰπεῖν ἐτι καὶ πρῶην οἱ μὲν τῶν
τῇ ἐξορία λυθέντε δεσμῶν εἰ τὰ
ἐαυτῶν ἐκκλησία διὰ μυρίων ἐπανη-
κασι θλίψεων, τῶν δὲ καὶ τελειωθέν-
των *ht* ταῖ ἐξορία ἐπανεκομίσθη τὰ
λείψανα' τινέ δὲ καὶ μετὰ τὴν τῇ
ἐξορία ἐπάνοδον ἐτι βράζοντι τῶ
τῶν αἰρετικῶν περιπεσόντε θυμῷ,
πικρότερα τῶν ἐπὶ τῇ ἀλλοτρία ἐπὶ
τῇ οικεία ὑπέμειναν, λίθοι παρ'
αὐτῶν τελειωθέντε κατὰ τὸν μακά-
ριον Στέφανον², ἄλλοι διάφοροι
καταξανθέντε αἰκία ἐτι τὰ στίγματα
τοῦ Χριστοῦ καὶ τοῦ μῶλωπα *ht*
τῶ σώματι περιφέρουσι³ * χρημάτων

Dominis honorabilibus atque vene-
randis fratribus et comministis 5
Damaso, Ambrosio, Brittonio, Va-
leriano, Acholio, Basilio et reliquis
sanctis episcopis in maxima Roma
collectis, sancta synodus orthodoxyo-
rum episcoporum congregatorum 10
in maxima civitate Constantinopoli,
in Domino salutem.

Velut ignorantī vestrae reveren-
tiae insinuare atque narrare multitu- is
dinem passionum ab ariana poten-
tia nobis saepius illatarum, forsitan
supervacuum est. Non enim ita
negligere vestram credimus sancti-
tatem, ut adhuc egeatis discere, quos 20
certum est condolere. Sed neque
tales nos constrinxere tempestates,
ut pro sui parvitate latere potuissent.
Neque tempus persecutionis est no-
vum; sed adhuc memoriam servat 25
antiquam, non solum in his qui
passi sunt, sed etiam in eis qui parti-
cipes sunt illorum quorum proprias
inducunt passiones. Hesterno enim,
ut ita dicamus, aut hodie exsiliorum 30
vinculis resoluti, post innumeras
tribulationes ad ecclesias proprias
sunt reversi. Aliorum vero in exilio
defunctorum funera revocata sunt.
Quidam vero etiam ab exilio re- 35
meantes, et ferventi haereticorum
furore detenti, amariora quam in
exilio in propriis sunt perpassi,
lapidibus ab eis obruti, sicuti beatus
Stephanus². Alii diversis macerati 40
sunt suppliciis, adhuc stigmata Chri-
sti et vulnera in suo corpore circum-
ferre³ noscuntur. Pecuniarum vero
dispendia, honoris ademptiones,

¹ Id est syn. Constant, a. 382 (v. supra p. 21).

« Cf. Ac 7, 58. s Cf. Gal 6,17.

A letter of the bishops gathered in Constantinople¹

To the most honoured lords and most reverend brethren and fellow-ministers, Damasus, Ambrose, Britton, Valerian, Acholius, Anemius, Basil, and the rest of the holy bishops who met in the great city of Rome: the sacred synod of orthodox bishops who met in the great city of Constantinople sends greetings in the Lord.

It may well be unnecessary to instruct your reverence by describing the many sufferings that have been brought upon us under Arian domination, as if you did not know already. Nor do we imagine that your piety considers our affairs so trivial that you need to learn what you must be suffering along with us. Nor were the storms which beset us such as to escape your notice on grounds of insignificance. The period of persecution is still recent and ensures that the memory remains fresh not only among those who have suffered but also among those who have through love made the lot of those who suffered their own. It was barely yesterday or the day before that some were freed from the bonds of exile and returned to their own churches through a thousand tribulations. The remains of others who died in exile were brought back. Even after their return from exile some experienced a ferment of hatred from the heretics and underwent a more cruel fate in their own land than they did abroad, by being stoned to death by them in the manner of the blessed Stephen². Others were torn to shreds by various tortures and still carry around on their bodies the marks of Christ's wounds and bruises³. Who could number the financial penalties, the fines

¹ Namely the synod of Constantinople in 382 (see above p. 21).

² See Ac 7, 58.

³ See Gal 6, 17.

δέ ζημία καί προστιμήσει πόλεων, καί τὰ τῶν καθ' ἓνα δημεύσει καί συσκευά καί ὑβρεῖ καί δεσμωτήρια τί ἂν ἐξαριθμήσασθαι δύναιτο; s πάσαι γάρ ὄντω ἐφ' ἡμᾶ αἱ θλίψει ἐπληθύνθησαν ὑπὲρ ἀριθμόν, ἴσω μὲν ἐπειδὴ δίκᾳ αμαρτημάτων ἐτίναμεν, ἴσω δέ καί τοῦ φιλανθρώπου θεοῦ διὰ τοῦ πλήθους τῶν παθημάτων ἡμᾶ io γυμνάζοντο .

Τούτων μὲν οὖν τῷ θεῷ χάρι , δ καί διὰ τοσούτων θλίψεων τοῦ ἑαυτοῦ δούλου ἐπαίδευσεν, καί κατὰ τὸ πλήθος τῶν οἰκτιρμῶν αὐτοῦ is πάλιν ἐξήγαγεν ἡμᾶ εἰ ἀναψυχὴν¹ . ἡμῖν δέ μακρὰ Ἰδεῖ σχολή καί πολλοῦ χρόνου καί πόνου πρὸ τῆν τῶν ἐκκλησιῶν ἐπανόρθωσιν, ἱν* ὥσπερ ἐκ μακρὰ ἀρρώστια ταῖ 20 κατὰ μικρὸν ἐπιμελείαι τὸ σῶμα τῇ ἐκκλησίᾳ ἐκνοσηλεύοντε , πρὸ τῆν ἀρχαίαν τῇ εὐσεβείᾳ ὑγιείαν ἐπαναγάγωμεν. Καί γάρ εἰ τα μάλιστα δοκοῦμεν τῇ τῶν διωγμῶν ἀπηλλὰ- 25 χθαι σφοδρότητο καί τὰ ἐκκλησία χρονίῳ παρὰ τῶν αἰρετικῶν κατασχε- θείσα ἄρτιῳ ἀνακομιζέσθαι, πλήν ἀλλὰ βαρεῖ ἡμῖν οἱ λύκοι καί μετὰ τὸ τῇ μάνδρα ἐξωσθῆναι κατὰ τὰ μ νάπα τὰ ποίμνια διαρπάζοντε , ἀντισυνάξει τολμώντε , δήμων κινουῦντε ἐπαναστάσει , ὀκνοῦντε οὐδέν εἰ τῆν τῶν ἐκκλησιῶν βλάβην ἦν μὲν οὖν, δπερ εἰρήκαμεν, ἀναγ- 35 καῖον πλείονα ἡμᾶ προσασχοληθῆναι χρόνον.

Ἐπειδὴ μέντοι τῆν ἀδελφικὴν περὶ ἡμᾶ ἀγάπην ἐπιδεικνύμενοι, σύνοδον ἐπὶ τῇ 'Ρώμῃ θεοῦ βουλήσει «0 συγκροτοῦντε καί ἡμᾶ ὡ οἰκεία μέλη προσεκαλέσασθε διὰ τῶν τοῦ θεοφιλεστάτου βασιλέω γραμμάτων, ἱν' ἐτίβιδῇ τότε τὰ θλίψει μόνοι κατεδικάσθημεν, νῦν ἐν τῇ τῶν <5 αὐτοκρατόρων περὶ τῆν εὐσέβειαν

singulorumque confiscationes et machinamina, iniurias atque vincula, quis numerare valebit ad singula? Omnes enim tribulationes vere super nos multiplicatae sunt ultra numerum. Juste quidem, quoniam valde peccavimus. Aut certe clemens Dominus passionum multitudine nos voluit exercere.

Propter haec itaque gratias. Deo referimus: quia et per tantas tribulationes servos corripit suos, et secundum multitudinem miserationum suarum deduxit nos rursus ad refrigerium¹. Nobis itaque tempus et labor maximus necessarius fuit, quatenus emendatio proveniret ecclesiarum; ut, tanquam pro longa aegritudine, diligentia paulatim adhibita, priscam pietatis redderet sanitatem. Hoc etenim modo putabimur persecutionibus acerrimis liberari, et ecclesias, longo tempore ab haereticis detenta, denuo reparare. Verumtamen graves adhuc nobis sunt lupi, qui postquam de caulis expulsi sunt, ex ipsis pascuis oves abripiunt: collectas facere contentes, populos commoventes, et in nullo segnes ad ecclesiae laesionem. Erat itaque, sicut diximus, necessarium huic operi tempus.

Quia tamen fraternam circa nos charitatem ministrantes, synodum in Romana urbe Dei voluntate fecistis, et nos illic tanquam membra propria, litteris Deo amabilis principis evocastis; ut quoniam tunc ad tribulationes soli sumus addicti, nunc sub imperatorum pia concordia non sine nobis regnaretis; sed

¹ Cf. Ps 65,12.

imposed on cities, the confiscations of individual property, the plots, the outrages, the imprisonments? Indeed all our afflictions increased beyond number: perhaps because we were paying the just penalty for our sins; perhaps also because a loving God was disciplining us by means of the great number of our sufferings.

So thanks be to God for this. He has instructed his own servants through the weight of their afflictions, and in accordance with his numerous mercies he has brought us back again to a place of refreshment¹. The restoration of the churches demanded prolonged attention, much time and hard work from us if the body of the church which had been weak for so long was to be cured completely by gradual treatment and brought back to its original soundness in religion. We may seem on the whole to be free from violent persecutions and to be at the moment recovering the churches which have long been in the grip of the heretics. But in fact we are oppressed by wolves who even after expulsion from the fold go on ravaging the flocks up and down dale, making so bold as to hold rival assemblies, activating popular uprisings and stopping at nothing which might harm the churches. As we have said, this made us take a longer time over our affairs.

But now you have shown your brotherly love for us by convoking a synod in Rome, in accordance with God's will, and inviting us to it, by means of a letter from your most God-beloved emperor, as if we were limbs of your very own, so that whereas in the past we were condemned to suffer alone, you should not now reign in isolation from us, given the complete agreement of the emperors in

¹ See Ps 65, 12.

συμφωνία μή χωρί ἡμῶν βασιλεύ-
 σητε, ἀλλά καί ἡμεῖ ὑμῖν κατὰ τήν
 ἀποστολικήν φωνήν συμβασιλεύσω-
 μεν¹, εὐχή μὲν ἦν ἡμῖν, εἴ δυνατόν,
 ἅπασιν ἄθρῳ καταλιποῦσι τὰ
 ἐκκλησία, τῷ ποθῷ ἢ τῇ χρεῖα
 χαρίσασθαι * τί γάρ ἡμῖν δώσει
 πτέρυγα ὥσει περιστερὰ, καί πετα-
 σθησόμεθα καί προ ὑμᾶ καταπαύ-
 σομεν²; Επειδή δέ τοῦτο παντελῶ
 ἐγύμνου τὰ ἐκκλησία ἄρτι τῇ
 ἀνανεώσεω ἀρχομένα, καί τό πράγ-
 μα παντάπασιν ἦν τοῖ πολλοῖ ἀδύ-
 νατον, (συνδεδραμήκαμεν γάρ εἰ τήν
 Κωνσταντινούπολιν ἐκ τῶν πέρυσι
 γραμμάτων τῶν παρὰ τῇ ὑμετέρα
 τιμιότητι μετὰ τήν ἐν Ἀκυλεῖα
 σύνοδον προ τον θεοφιλέστατου
 βασιλέα Θεοδόσιον ἐπισταλθέντων,
 προ μόνην ταύτην τήν αποδημίαν
 τήν μέχρι Κωνσταντινουπόλεω
 παρασκευασάμενοι, καί περί τούτη
 μόνῃ τῇ συνόδου τῶν ἐν ταῖ
 ἐπαρχίαι μεινάντων ἐπισκόπων
 συγκατάθεσιν ἐπαγόμενοι, μείζονο
 δέ ἀποδημία μήτε προσδοκήσαντε
 χρεῖαν μήτε προακούσαντε δλω
 πριν ἐν Κωνσταντινουπόλει συνελθεῖν '
 πρό δέ τοῦτοι καί τῇ προθεσμίᾳ
 διὰ στενότητα μήτε πρό παρασκευῇν
 μακροτέρα ἀποδημία ἐνδιδοῦση
 καιρόν μήτε πάντα τοῦ ἐν ταῖ
 ἐπαρχίαι κοινωνικοῦ ἐπισκόπου
 ὑπομνησθῆναι καί τὰ παρ' αὐτῶν
 συγκαταθέσει λαβεῖν). Επειδή
 ταῦτα καί πολλά πρό τοῦτοι ἕτερο
 τήν τῶν πλειόνων ἀφίξιν διεκώλυσεν,
 ὁ δεῦτερον ἦν εἰ τε τήν τῶν πραγ-
 μάτων ἐπ' ἀνόρθωσιν καί τήν τῇ
 ὑμετέρα περί ἡμᾶ ἀγάπῃ ἀπόδει-
 ξιν, τοῦτο πεποιήκαμεν, τοῦ αἰδεσι-
 μωτάτου καί τιμιωτάτου ἀδελφοῦ
 καί συλλειτουργοῦ ἡμῶν ἐπισκόπου
 Κυριάκον, Εὐσέβιον καί Πρισκιανόν
 προθύμω καμεῖν ἄχρι ὑμῶν δυσω-

etiam nos vobiscum, secundum
 apostolicam vocem, conregnare-
 mus¹. Oratio quidem nostra fuit, si
 esset possibile ut omnes nostras si-
 mul relinquentes ecclesias, desiderio
 utili iungeremur. Quis enim nobis
 dabit pennas sicut columbae, ut vo-
 lemus, et apud vos requiescamus²?
 Sed quoniam hoc omnino nudabat
 ecclesias, requie nuper inchoata,
 resque nimis erat plurimis impossi-
 bilis: quia concurreramus in urbem
 Constantinopolitanam causa littera-
 rum ad nos praeterito anno direc-
 tarum a vestra charitate post Aquis-
 leiense concilium ad Deo amabilem
 imperatorem Theodosium, propter
 hanc solummodo causam usque ad
 Constantinopolim properati, et de
 hac tantummodo synodo ferentes
 consensum episcoporum qui per
 provincias permansere. Maioris ve-
 ro profectionis neque speravimus
 opus, neque praeaudivimus omni-
 no, antequam Constantinopolim
 veniremus. Super haec autem indu-
 ciarum angusto tempore faciente,
 neque praeparare nos valentes ad
 longam profectionem, neque uni-
 versos communicatores nostros, in
 provinciis positos commonere, et
 eorum consensum sumere praeval-
 uimus. Quoniam igitur haec et alia
 multa plurimorum adventum pro-
 hibere videbantur, quod erat secun-
 dum effectum rerum, et vestrae circa
 nos charitatis ostensionem, hoc egi-
 mus: reverendissimos atque charis-
 simos fratres et comministros no-
 stros episcopos Cyriacum, Euse-
 bium et Priscianum usque ad vos
 laborare alacriter exorantes, per
 quos et nostram voluntatem paci-
 ficam et intentionem habentem uni-
 tatis ostendimus, zelumque nostrum

¹ Cf. 1 Cor 4, 8. ² Cf. Ps 54, 7.

matters of religion. Rather, according to the word of the apostle, we should reign along with you¹. So it was our intention that if it were possible we should all leave our churches together and indulge our desires rather than attend to their needs. But who will give us wings as of a dove, so we shall fly and come to rest with you²? This course would leave the churches entirely exposed, just as they are beginning their renewal; and it is completely out of the question for the majority. As a consequence of last year's letter sent by your reverence after the synod of Aquileia to our most God-beloved emperor Theodosius, we came together in Constantinople. We were equipped only for this stay in Constantinople and the bishops who remained in the provinces gave their agreement to this synod alone. We foresaw no need for a longer absence, nor did we hear of it in advance at all, before we gathered in Constantinople. On top of this the tightness of the schedule proposed allowed no opportunity to prepare for a longer absence, nor to brief all the bishops in the provinces who are in communion with us and to get their agreement. Since these considerations, and many more besides, prevented most of us from coming, we have done the next best thing both to set matters straight and to make your love for us appreciated: we have managed to convince our most venerable and reverend brethren and fellow-ministers, Bishops Cyriacus, Eusebius and Priscian to be willing to undertake the wearisome journey to you. Through them we wish to show that

¹ See 1 Cor 4, 8.

² See Ps 54. 7.

πήσαντε · St' ὧν καὶ τὴν ἡμετέραν
προαίεεσιν εἰρηνικὴν οὖσαν καὶ σκο-
πόν ἐνώσεω ἔχουσιν ἐπιδείκνυμεν,
καὶ τὸν ζήλον ἡμῶν τὸν ὑπὲρ τῆ
s υἱοῦ πίστεω φανερόν ποιοῦμεν.

Ἡμεῖ γὰρ εἴτε διωγμοῦ εἴτε
θλίψει εἴτε βασιλείου ἀπειλᾷ εἴτε
τὰ τῶν ἀρχόντων ωμότητα εἴτε τινὰ
πειρασμόν ἕτερον παρὰ τῶν αἵρετικῶν
10 ὑπεμείναμεν, ὑπὲρ τῆ εὐαγγελικῆ
πίστεω τῇ ἐν Νικαίᾳ τῇ Βιθυνίᾳ
παρὰ τῶν τῇ πατέρων κυρωθείσῃ
ὑπέστημεν ταύτην γὰρ καὶ ὑμῖν καὶ
ἡμῖν καὶ πᾶσι τοῖς μὴ διαστρέφουσι
15 τὸν λόγον τῇ ἀληθοῦς πίστεω
συναρέσκειν [δεῖ [ἡν μὲν ποτέ]
πρεσβυτάτην τε οὖσαν καὶ ἀκόλουθον
τῷ βαπτίσματι, καὶ διδάσκουσα;
ἡμᾶς πιστεύειν εἰ τὸ ὄνομα τοῦ
πατρὸς καὶ τοῦ υἱοῦ καὶ τοῦ ἁγίου
πνεύματος, δηλαδή θεότητο καὶ
δυνάμεω καὶ οὐσία μία τοῦ πατρὸς
καὶ τοῦ υἱοῦ καὶ τοῦ ἁγίου πνεύματος
πιστευομένη, ὁμοτίμου τε ἀξία καὶ
συναῖδιον τῇ βασιλείᾳ, ἐν τρισὶ
τελειοτάται ὑποστάσεσιν, ἡγουν τρισὶ
τελείοι προσώποι, ὧς μήτε τὴν
Σαβελλίου νόσον χώραν λαβεῖν συγ-
χεομένων τῶν ὑποστάσεων εἴτ' οὐκ
τῶν ιδιοτήτων ἀναιρουμένων, μήτε
μὴν τὴν εὐνομιανὴν καὶ ἀρειανὴν
καὶ πνευματομάχων βλασφημίαν
ἰσχύειν, τῇ οὐσίᾳ ἢ τῇ φύσει ἢ
τῇ θεότητι τεμνομένη καὶ τῇ
ἀκτίστῳ καὶ ὁμοουσίῳ καὶ συναιδίῳ
τριάδι μεταγενέστερο τινὸς ἢ κτι-
στῇ ἢ ἑτεροουσίῳ φύσει ἐπαγο-
μένη. Καὶ τὸν τῇ ἐνανθρωπήσει
δὲ τοῦ κυρίου λόγον ἀδιάστροφον
σώζομεν, οὔτε ἄψυχον οὔτε ἄνουν ἢ
ἄτελὴ τὴν τῇ σαρκὶ οἰκονομίαν
παραδεχόμενοι, ὅλον δὲ εἰδότε τέλειον
μὲν πρὸ αἰώνων ὄντα θεὸν λόγον,
τέλειον δὲ ἄνθρωπον ἐπ' ἑσχατῶν τῶν
45 ἡμερῶν διὰ τὴν ἡμετέραν σωτηρίαν;
γενόμενον.

quem pro saluberrima fide gerimus,
indicamus.

Nos etenim persecutiones, sive
tribulationes, sive minas imperiales,
sive crudelitates iudicum, sive quas-
libet alias tentationes haereticorum,
libenter sustinuimus pro evangelica
fide, quae in Nicaea Bithyniae a tre-
centis decem et octo patribus robo-
rata dignoscitur. Hanc enim et vo-
bis, et nobis, et omnibus qui non
subvertunt verbum verae fidei,
complacere confidimus, quam sci-
mus antiquissimam exsistere, et se-
quacem baptismatis, docentemque
nos credere in nomine Patris, et
Filii, et Spiritus sancti. Divinitatem
quippe, et virtutem, atque substan-
tiam unam Patris, et Filii, et Spiri-
tus sancti credimus, et aequalem
honorem ac dignitatem, et imperi-
um coaeternum, in tribus perfectis-
simis subsistentiis, seu tribus per-
fectis personis; ut neque sabellini
languor habeat locum confusione
subsistentiarum aut peremptione
proprietary; neque eunomiano-
rum, et arianorum, et pneumato-
machorum, id est Spiritui resisten-
tium, blasphemia praevaleat; sub-
stantia videlicet secundum illos, aut
natura, aut divinitate divisa, et in-
creatae consubstantiali, et coaeter-
nae Trinitati postrema quaedam vel
creata, vel alterius substantiae na-
tura detur. Inhumanationis vero
Christi sermonem sine aliqua vio-
latione servamus, neque sine anima,
neque sine mente, aut imperfectam
carnis dispensationem suscipientes;
sed totum scientes perfectum qui-
dem ante saecula exsistere Dei Ver-
bum, perfectum vero hominem in
novissimo dierum propter nostram
salutem factum.

our intentions are peaceful and have unity as their goal. We also want to make clear that what we are zealously seeking is sound faith.

What we have undergone — persecutions, afflictions, imperial threats, cruelty from officials, and whatever other trial at the hands of heretics — we have put up with for the sake of the gospel faith established by the 318 fathers at Nicaea in Bithynia. You, we and all who are not bent on subverting the word of the true faith should give this creed our approval. It is the most ancient and is consistent with our baptism. It tells us how to believe in the name of the Father and of the Son and of the holy Spirit: believing also, of course, that the Father, the Son and the holy Spirit have a single Godhead and power and substance, a dignity deserving the same honour and a co-eternal sovereignty, in three most perfect hypostases, or three perfect persons. So there is no place for Sabellius's diseased theory in which the hypostases are confused and thus their proper characteristics destroyed. Nor may the blasphemy of Eunomians and Arians and Pneumatomachi prevail, with its division of substance or of nature or of Godhead, and its introduction of some nature which was produced subsequently, or was created, or was of a different substance, into the uncreated and consubstantial and co-eternal Trinity. And we preserve undistorted the accounts of the Lord's taking of humanity, accepting as we do that the economy of his flesh was not soulless nor mindless nor imperfect. To sum up, we know that he was before the ages fully God the Word, and that in the last days he became fully man for the sake of our salvation.

Τὰ μὲν οὖν κατὰ την πίστιν την παρ' ἡμῶν ἀνυποστόλῳ κηρυττομένην ὡ ἐν κεφαλαίῳ τοιαῦτα' περί ὧν καὶ ἐπὶ πλεῖον ψυχᾶγωγῆθῆναι δυνήσεσθε, τῷ τε ἐν Ἀντιόχεια τόμῳ παρὰ τῇ ἐκεῖ συνελθούσῃ συνόδῳ γεγεννημένῳ καταξιώσαντε ἐντυχεῖν καὶ τῷ πέρυσιν ἐν Κωνσταντινουπόλει παρὰ τῇ οἰκουμενικῇ ἐκτεθέντι συνόδῳ, ἐν οἷς πλατύτερον την πίστιν ὡμολογήσαμεν καὶ τῶν ἐναγχο καινοτομηθισῶν αἱρέσεων ἀναθεματισμὸν ἐγγράφον πεποιήκαμεν.

Περὶ δὲ τῶν οικονομιῶν τῶν κατὰ μέρος ἐν ταῖς ἐκκλησίαις παλαιότε, ὡ ἴστε, θεσμὸς κεκράτηκε καὶ τῶν ἐν Νικαίᾳ ἁγίων πατέρων ὁρο, καθ' ἐκάστην ἐπαρχίαν τοῦ τῇ ἐπαρχίᾳ καὶ, εἴπερ ἐκεῖνοι βούλονται, σὺν αὐτοῖς τοῦ ὁμόρου πρὸ τὸ συμφέρον ποιεῖσθαι τὰ χειροτονία· οἱ ἀκολουθῶντες τὰ τε λοιπὰ ἐκκλησία παρ' ἡμῖν οἰκονομεῖσθαι γινώσκετε καὶ τῶν ἐπισημοτάτων ἐκκλησιῶν ἀναδεδείχθαι τοῦ Ἱερεῖ. Ὅθεν τῇ μὲν ἐν Κωνσταντινουπόλει νεοπαγοῦ, ὡ ἂν εἴποι τι, ἐκκλησία, ἣν ὥσπερ ἐκ στόματος ζέοντο ἡ τῶν αἱρετικῶν βλασφημία ὑπόγυον ἐξηρπάσαμεν διὰ τῶν οἰκτιρμῶν τοῦ θεοῦ, τὸν αἰδεσιμώτατον καὶ θεοφιλέστατον Νεκτᾶριον ἐπίσκοπον κεχειροτονήκαμεν ἐπὶ τῇ οἰκουμενικῇ συνόδῳ μετὰ κοινῇ ὁμονοίᾳ, ὑπ' ὀφει καὶ τοῦ Θεοφιλεστάτου βασιλέως Θεοδοσίου παντὸς τε τοῦ κλήρου καὶ πάσης ἐπιψηφίζομεν τῇ πόλει· τῇ δὲ πρεσβυτάτῃ καὶ ὄντω ἀποστολικῇ ἐκκλησίᾳ τῇ ἐν Ἀντιόχειᾳ τῇ Συρίᾳ, ἐν ἣ πρώτῃ τὸ τίμιον τῶν χριστιανῶν ἐ χρημάτισεν ὄνομα, τὸν αἰδεσιμώτατον καὶ θεοφιλέστατον ἐπίσκοπον Φλαβιανὸν οἱ τε τῇ ἐπαρχίᾳ καὶ τῇ ἀνατολικῇ

Igitur quae de fide a nobis aperte praedicantur, velut in summa haec esse noscuntur: de quibus amplius instrui poteritis, si et tomum in Antiochia factum a synodo ibi constituta dignemini legere, et quod anno superiori in Constantinopoli ab universali synodo cognoscitur esse prolatum: in quibus latius fidem professi sumus, et contra novitates haeresum nuper exortas anathemata ex scripto protulimus.

De dispensationibus autem particularibus ecclesiarum antiqua, sicuti nostis, sanctio tenuit, et definitio sanctorum patrum in Nicaea convenientium: secundum unamquamque provinciam, et si pontifices voluerint, ut cum eis vicini propter utilitatem celebrent ordinationes; quibus rebus consequenter et caeteras ecclesias apud nos aedificari cognoscite, et insignium ecclesiarum haec approbasse sacerdotes. Porro Constantinopolitanae urbis novellam, ut ita dicamus, ecclesiam, velut ex ore leonis haereticis suffossam blasphemias abstraximus; et per misericordias Dei reverendissimum et Deo amabilem Nectarium episcopum ordinavimus coram universali concilio cum communi concordia, sub aspectu etiam Deo amabilis imperatoris Theodosii, universique cleri, cuncta decernente pariter civitate. In seniore autem et vere apostolica ecclesia Antiochiae Syriae, in qua prius venerabile Christianorum appellatum est nomen, reverendissimum et Deo amabilem episcopum Flavianum, de universa provincia et orientali dioecesi concurrentes, regulariter ordinarunt,

· Cf. Ps2t,22.

So much, in summary, for the faith which is openly preached by us. You can take even more heart concerning these matters if you think fit to consult the tome that was issued in Antioch by the synod which met there as well as the one issued last year in Constantinople by the ecumenical synod. In these documents we confessed the faith in broader terms and we have issued a written condemnation of the heresies which have recently erupted.

With regard to particular forms of administration in the churches, ancient custom, as you know, has been in force, along with the regulation of the saintly fathers at Nicaea, that in each province those of the province, and with them — should the former so desire — their neighbours, should conduct ordinations as need might arise. Accordingly, as you are aware, the rest of the churches are administered, and the priests [= bishops] of the most prominent churches have been appointed, by us. Hence at the ecumenical council by common agreement and in the presence of the most God-beloved emperor Theodosius and all the clergy, and with the approval of the whole city, we have ordained the most venerable and God-beloved Nectarius as bishop of the church newly set up, as one might say, in Constantinople — a church which by God's mercy we just recently snatched from the blasphemy of the heretics as from the lion's jaws'. Over the most ancient and truly apostolic church at Antioch in Syria, where first the precious name of "Christians" came into use, the provincial bishops and those of the diocese of the East came together and canonically ordained the most venerable and God-beloved Flavian as bishop with the consent of the whole

¹ See Ps 21, 22.

διοικήσεω συνδραμόντε κανονικό
ἐχειροτόνησαν, τάση συμψήφου τη
ἐκκλησία ὡσπερ διὰ μια φωνή
τὸν ἄνδρα τιμησάση · ἡνπερ ἐνθεσμον
5 χειροτονίαν ἐδέξατο καὶ τὸ τη συνό-
δου κοινὸν τη δέ γε μητρό ἁπασων
των ἐκκλησιῶν τη ἐν Ἱεροσολύμοι
τὸν αἰδεσιμότατον καὶ θεοφιλέστατων
Κύριλλον ἐπίσκοπον εἶναι γνωρίζο-
10 μεν, κανονικό τε παρὰ των τη
ἐπαρχία χειροτονηθέντα πάλαι καὶ
πλεῖστα προ τοῦ ἁρειανοῦ ἐν
διαφόροι χρόνοι ἀθλήσαντα.

Οἱ ὧ ἐνθέσμω καὶ κανονικό
15 παρ' ἡμῖν κεκρατηκόσι καὶ τήν
ὑμετέραν συγχαίρειν παρακαλοῦμεν
εὐλάβειαν, τη πνευματικῇ μεσι-
τευούσῃ ἀγάπῃ , καὶ τοῦ κυριακοῦ
φόβου πάσαν μὲν καταστέλλοντο
30 ἀνθρωπίνην προσπάθειαν, την δέ των
ἐκκλησιῶν οἰκοδομὴν προτιμοτέραν
ποιοῦντο τῇ πρό τον καθ' ἓνα
συνήθεια ἢ χάριτο · οὕτω γάρ τοῦ τε
τῇ πίστεω συμφωνηθέντο λόγου
καὶ τῇ χριστιανικῇ κυρωθείσῃ ἐν
ἡμῖν ἀγάπῃ , παυσόμεθα λέγοντε
τὸ παρὰ των ἀποστόλων κατε-
γνωσμένον" ἔγω μεν εἰμι Παύλου,
35 ἐγὼ δέ Ἀπολλῶ, ἐγὼ δέ Κηφά¹,
πάντε δέ Χριστοῦ φανέντε , δ ἐν
ἡμῖν οὐ μεμέρισται², θεοῦ δέ κατα-
ξιοῦντο , ἀσχιστον τὸ σῶμα τη
ἐκκλησίᾳ τηρήσομεν καὶ τὸ βήματι
τοῦ κυρίου μετὰ παρρησία παραστη-
35 σόμεθα³.

¹ 1 Cor 1,12. ¹ Cf. 1 Cor 1,13. ² Cf. Rm 14,10.

church, as though it would give the man due honour with a single voice. The synod as a whole also accepted that this ordination was legal. We wish to inform you that the most venerable and God-beloved Cyril is bishop of the church in Jerusalem, the mother of all the churches. He was canonically ordained some time ago by those of the province and at various times he has valiantly combatted the Arians.

We exhort your reverence to join us in rejoicing at what we have legally and canonically enacted. Let spiritual love link us together, and let the fear of the Lord suppress all human prejudice and put the building up of the churches before individual attachment or favour. In this way, with the account of the faith agreed between us and with Christian love established among us, we shall cease to declare what was condemned by the apostles, “I belong to Paul, I to Apollo, I to Cephas”¹; but we shall all be seen to belong to Christ, who has not been divided up among us²; and with God’s good favour, we shall keep the body of the church undivided, and shall come before the judgment-seat of the Lord with confidence³.

¹ 1 Cor 1, 12.

² See 1 Cor 1, 13.

³ See Rm 14, 10.

ΚΑΝΟΝΕΣ

CANONES

Α

Περὶ τοῦ μένειν τὰ ἐν Νίκαιᾳ
νενομοθετημένα ασάλευτα καὶ
περὶ ἀναθεματισμοῦ αἰρετικῶν

Μὴ ἀθετεῖσθαι τὴν πίστιν τῶν ἁγίων
πατέρων τῶν ἐν Νικαῖᾳ τῇ Βιθυν-
νία συνελθόντων, ἀλλὰ μένειν ἐκεί-
νην κυρίαν, καὶ ἀναθεματισθῆναι πᾶ-
σαν αἵρεσιν, καὶ ἰδικῶς τὴν τῶν
εὐνομιανῶν ἡγούν ἄνομοιων, καὶ
τὴν τῶν ἀρειανῶν εἴτουν εὐδοξια-
νῶν, καὶ τὴν τῶν ἡμιαρειῶν εἴ-
τουν πνευματομάχων, καὶ τὴν σα-
βελλιανῶν καὶ τὴν μαρκελλιανῶν
καὶ τὴν φωτεινιανῶν καὶ τὴν ἀπολ-
λινარიανῶν.

Β

Περὶ τῇ καθ' ἐκάστην διοίκησιν
εὐταξία, καὶ τῶν ὀφειλομένων Αἰγυπ-
τιοὶ καὶ Ἀντιοχεῦσι καὶ Κωνσταν-
τινουπολίται ταῖς μεγάλαι πόλεσι
πρεσβειῶν, καὶ ὅτι οὐ δεῖ ἐπίσκοπον
ἄλλοτρία ἐκκλησία ἐπιβαίνειν¹

Τοῦ ὑπὲρ διοίκησιν ἐπισκόπου ταῖς
ὑπερορίοι ἐκκλησίαι μὴ ἐπιβαίνειν
μηδὲ συγχέειν τὰ ἐκκλησία, ἀλλὰ
κατὰ τοῦ κανόνα τὸν μὲν Ἀλε-
ξάνδρειά ἐπίσκοπον τὰ ἐν Αἰγύπτῳ
μόνον οἰκονομεῖν, τοῦ δὲ τῇ ἀνα-
τολή ἐπισκόπου τὴν ἀνατολήν μό-
νην διοικεῖν, φυλαττομένων τῶν ἐν
τοῖς κανόσι τοῖς κατὰ Νικαίαν πρε-
σβειῶν τῇ Ἀντιοχείῳ ἐκκλησία, καὶ
τοῦ τῇ Ἀσιανῇ διοικήσεω ἐπι-
σκόπου τὰ κατὰ τὴν Ἀσιανὴν μό-
νην οἰκονομεῖν, καὶ τοῦ τῇ Ποντι-
κῇ τὰ τῇ Ποντικῇ μόνον, καὶ τοῦ
τῇ Θρακικῇ, τὰ τῇ Θρακικῇ μό-
νον ἀκλήτου δὲ ἐπισκόπου ὑπὲρ
διοίκησιν μὴ ἐπιβαίνειν ἐπὶ χειροτο-

I

*Ut ea quae apud Nicatam comtituta sunt, immota
permaneant, et de anathematizandis haereticis*

Non rescindendam fidem patrum
trecentorum decem et octo, qui apud 5
Nicaeam Bythinae convenerunt,
sed manere eam firmam et stabilem,
anathematizandum omnem haere-
sem, et specialiter eunomianorum
vel anomianorum et arianorum vel 10
eudoxianorum et machedonianorum
vel Spiritui sancto resistentium et
sabellianorum et marcellianorum et
photinianorum et apollinarianorum.

15

II

*De dispositione singularum dioeceseon, ei de privi-
legiis quae Alexandrinis, Antbiocenis Constanti-
nopolitanisque debentur'*

Qui sunt super dioeceseon episcopi,
nequaquam ad ecclesias, quae sunt
extra terminos sibi praefixos, acce-
dant nec eas hac praesumptione con- 25
fundant, sed iuxta canones Alexan-
drinus antistes quae sunt in Aegypto
regat solummodo. Et orientis epi-
scopi orientem tantum gubernent
servatis privilegiis, quae Nicaenis 30
canonibus ecclesiae Anthiocenae tri-
buta sunt. Asianae quoque dioece-
seos episcopi ea solum quae sunt
in dioecesi Asiana dispensent. Nec
non et Ponti episcopi ea tantum 35
quae sunt in Ponto, et Thraciarum,
quae in Thraciis sunt, gubernent.
Non vocati autem episcopi ultra

¹ Cf. conc. Nie. I, cc. 6, 7 (v. supra p.9); Can. ap. 14, 34, 35 (CSP 14,24); conc. Antioch. (341), c. 9 (CSP 110-111); conc. Sard. (342/343), cc. 3,11,12 (CSP 162-163,175-178).

CANONS

1

On the continuing validity of the decrees passed at Nicaea and on the anathematizing of heretics

The profession of faith of the holy fathers who gathered in Nicaea in Bithynia is not to be abrogated, but it is to remain in force. Every heresy is to be anathematized and in particular that of the Eunomians or Anomoeans, that of the Arians or Eudoxians, that of the Semi-Arians or Pneumatomachi, that of the Sabellians, that of the Marcellians, that of the Photinians and that of the Apollinarians.

2

On the proper order to be kept in each diocese, on the privileges due to the great cities of the Egyptians, the Antiochenes and Constantinopolitans, and that a bishop should not intrude in another church¹

Diocesan bishops are not to intrude in churches beyond their own boundaries, nor are they to confuse the churches: but in accordance with the canons, the bishop of Alexandria is to administer affairs in Egypt only; the bishops of the East are to manage the East alone (whilst safeguarding the privileges granted to the church of the Antiochenes in the Nicene canons); and the bishops of the Asian diocese are to manage only Asian affairs; and those in Pontus only the affairs of Pontus; and those in Thrace only Thracian affairs. Unless invited, bishops are not to go outside their diocese to perform an ordination or any other

¹ See council of Nicaea I, canons 6, 7 (see above p. 9); Apostolic canons 14, 34, 35 (CSP 14, 24; trans. Percival 594, 596); council of Antioch (341), canon 9 (CSP 110-111; trans. Percival 112); council of Sardica (342/343), canons 3, 11, 12 (CSP 162-163, 175-178; trans. Percival 416-417, 425-427).

5 *via* ἢ τισιν ἄλλαι οἰκονομίαι ἐκκλη-
 σιαστικάι. Φυλαττομένου δέ του
 γεγραμμένου περί των διοικήσεων
 κανόνα εὐδηλον, ὡ τὰ καθ' ἐκά-
 10 στην ἐπαρχίαν ἢ τῇ επαρχία σύ-
 νοδο διοικήσει, κατὰ τὰ ἐν Νίκαια
 ορισμένα. Τὰ δέ ἐν τοῖ β-αρβαρι-
 κοῖ ἐΟνεσι τοῦ Θεοῦ ἐκκλησία οἰ-
 κονομεῖσθαι χρή κατὰ τὴν κρατήσα-
 10 σαν ἐπὶ των πατέρων συνήθειαν.

suam dioecesim non accedant prop-
 ter ordinationes faciendas vel prop-
 ter alias dispensationes ecclesiasti-
 cas. Servata vero quae scripta est de
 gubernationibus regula manifestum
 est, quod illa, quae sunt per unam-
 quamque provinciam, provinciae
 synodus dispenset, sicut Nicaeno
 constat decretum esse concilio.
 Ecclesias autem Dei in barbaricis
 gentibus constitutas gubernari con-
 venit iuxta consuetudinem, quae est
 patribus instituta.

Γ

15 Περὶ τοῦ μετὰ τὸν 'Ρώμη ὅτι
 δεῦτερο ὁ Κωνσταντινουπόλεω

20 Τὸν μέντοι Κωνσταντινουπόλεω
 ἐπίσκοπον ἔχειν τὰ πρεσβεία τῇ τι-
 μῇ μετὰ τὸν 'Ρώμη ἐπίσκοπον διὰ
 το εἶναι αὐτὴν νέαν 'Ρώμην.

III

*Ul secundus post Romanum episcopum Constanti-
 nopolis episcopus sit*

Verumtamen Constantinopolitanus
 episcopus habeat honoris prima-
 tum praeter Romanum episcopum,
 propterea quod urbs ipsa sit iunior
 Roma.

Δ

Περὶ τῇ κατὰ Μάξιμον ἀθέσμου
 χειροτονία

25 Περὶ Μαξίμου τοῦ κυνικοῦ καὶ τῇ
 κατ' αὐτὸν ἀταξία τῇ ἐν Κωνσταν-
 τινουπόλει γενομένη, ὥστε μήτε
 Μάξιμον ἐπίσκοπον γενέσθαι ἢ εἶναι,
 μήτε τοῦ παρ' αὐτοῦ χειροτονηθέν-
 τα *hí* οἰωδῆποτε βαθμῶ κλήρου,
 πάντων καὶ των περὶ αὐτὸν καὶ των
 30 παρ' αὐτοῦ γενομένων ἀκυρωθέν-
 των.

IV

De inlicita .Maximi ordinatione

De Maximo cynico et eius inordi-
 nata constitutione, quae Constanti-
 nopoli facta est, placuit neque Maxi-
 mum episcopum fuisse vel esse nec
 eos, qui ab ipso in quolibet gradu
 clerici sunt ordinati, cum omnia,
 quae ab eodem perpetrata sunt, in
 irritum deducta esse videantur.

Ε

Περὶ τοῦ ὅτι ὁ των δυτικῶν
 τόμο ευδεκτο

35 Περὶ τοῦ τόμου των δυτικῶν¹, καὶ
 τοῦ ἐν Ἀντιοχείᾳ ἀπεδεξάμεθα τοῦ
 μίαν δμολογοῦντα πατρὶ καὶ υἱοῦ
 καὶ ἁγίου πνεύματος τὴν θεότητα.

V

*Quod tomus occidentalium de bcmousio
 recipiatur*

De libello occidentalium¹: etiam
 eos suscipimus qui Antiochiae
 unam Patris et Filii et Spiritus sancti
 deitatem confitentur.

¹ Qui nobis non pervenit: probabiliter causam Paulini Antiocheni defenderat.

ecclesiastical business, if the letter of the canon about dioceses is kept, it is clear that the provincial synod will manage affairs in each province, as was decreed at Nicaea. But the churches *of God* among barbarian peoples must be administered in accordance with the custom in force at the time of the fathers.

3

That the bishop of Constantinople comes second to the bishop of Rome

Because it is new Rome, the bishop of Constantinople is to enjoy the privileges of honour after the bishop of Rome.

4

On the illicit ordination of Maximus

Regarding Maximus the Cynic and the disorder which surrounded him in Constantinople: he never became, nor is he, a bishop; nor are those ordained by him clerics of any rank whatsoever. Everything that was done both to him and by him is to be held invalid.

5

On the acceptability of the Tome of the Westerns

Regarding the Tome of the Westerns¹: we have also recognised those in Antioch who confess a single Godhead of Father and Son and holy Spirit.

¹ This tome has not survived; it probably defended Paul of Antioch.

Z

Περὶ τῶν ὀφειλόντων δεκτῶν
εἶναι εἰ κατηγορίαν ἐπισκόπων
ἢ κληρικῶν¹

Ἐπειδὴ πολλοὶ τὴν ἐκκλησιαστικὴν
εὐταξίαν συγχεῖν καὶ ἀνατρέπειν
βουλόμενοι, φιλέχθρῳ καὶ συκοφαν-
τικῶ αἰτία τινὰ κατὰ τῶν οἰκο-
νομούντων τὰ ἐκκλησία ὀρθοδόξων
ἐπισκόπων συμπλάσσουν, οὐδὲν
ἕτερον ἢ χραίνειν τὰ τῶν Ἱερέων
ὑπολήψει καὶ ταραχὰ τῶν εἰρη-
νευόντων λαῶν κατασκευάζειν ἐπι-
χειροῦντε, τοῦτου ἐνεκεν ἤρεσε τῇ
αἰνῇ συνόδῳ τῶν ἐν Κωνσταντινου-
πόλει συνδραμόντων ἐπισκόπων μὴ
ἀνεξετάστῳ προσίεσθαι τοῦ κατη-
γόρου, μηδὲ πᾶσιν ἐπιτρέπεσθαι τὰ
κατηγορία ποιεῖσθαι κατὰ τῶν οἰ-
κονομούντων τὰ ἐκκλησία, μηδὲ
μὴν πάντα ἀποκλείειν, ἀλλ' εἰ μὲν
τι οἰκείαν μέμψιν, τοῦτ' ἐστὶν ἰδι-
ωτικὴν, ἐπαγάγοι τῷ ἐπισκόπῳ,
ὃ πλεσνεκτηθεῖ ἢ ἄλλο τι παρὰ
τὸ δίκαιον παρ' αὐτοῦ πεπονθῶ,
ἐπὶ τῶν τοιούτων κατηγοριῶν μὴ
ἐξετάζεσθαι μήτε τὸ πρόσωπον τοῦ
κατηγορουμένου μήτε τὴν θρη-
σκεῖαν¹ χρή γὰρ παντὶ τρόπῳ τὸ τε
συνεῖδός τοῦ ἐπισκόπου ἐλεύθερον
εἶναι καὶ τὸν ἀδικεῖσθαι λέγοντα,
οἷα ἂν εἴη θρησκεία, τῶν δικαίων
τυγχάνειν. Ἐἰ δὲ ἐκκλησιαστικὸν εἴη
τὸ ἐπιφερόμενον ἐγκλημα τῷ ἐπι-
σκόπῳ, τότε δοκιμάζεσθαι χρή τῶν
κατηγορούντων τὰ πρόσωπα, ἵνα
πρῶτον μὲν αἰρετικοὶ μὴ ἐξῇ κα-
τηγορία κατὰ τῶν ὀρθοδόξων ἐπι-
σκόπων ὑπὲρ ἐκκλησιαστικῶν πραγ-
μάτων ποιεῖσθαι¹ (αἰρετικοῦ δὲ λέ-
γομεν τοῦ τε πάλαι τῇ ἐκκλησίᾳ
ἀποκηρυχθέντα καὶ τοῦ μετὰ τοῦ-
τα ὑφ' ἡμῶν ἀναθεματισθέντα, πρό-
δὲ τοῦτοι καὶ τοῦ τὴν πίστιν μὲν

VI

*Qtdna/re ad accxsaticnem contra tpiicopor vol
flcricox recipiendi tintl*

Quoniam multi ecclesiasticum ordi-
nem confundere et subvertere vo-
lentes, inimice et sycophantice ad-
versus orthodoxos episcopos, qui
ecclesias administrant, accusationes
quasdam contingunt, nihil aliud
quam sacerdotum bonam existima-
tionem contaminare et in pace de-
gentium populorum tumultus con-
citare conantes; ea de causa placuit
sanctae synodo episcoporum qui
Constantinopoli convenerunt, nec
sine discussione admittere accusa-
tores, nec omnibus eorum, qui
ecclesias administrant, accusationes
permittere, nec omnes excludere;
sed si quis propriam quidem quere-
lam, id est privatam, intendat epi-
scopo, ut detrimento aliquo, vel
iniuria aliqua ab ipso affectus, in
eiusmodi accusationibus nec accusa-
toris personam, nec religionem exa-
minari. Oportet enim episcopi con-
scientiam esse omnibus modis libe-
ram, et eum qui sibi iniuriam fac-
tam esse dicit, cuiuscumque sit
religionis, ius suum consequi. Si
autem sit crimen ecclesiasticum,
quod episcopo intenditur, tunc exa-
minari personas accusatorum; ut
primum quidem haereticis non liceat
orthodoxos episcopos pro rebus
ecclesiasticis accusare; (haereticos
autem dicimus et qui olim ab eccle-
sia abdicati sunt, et qui sunt postea
a nobis anathematizati; ad haec au-
tem et eos, qui se sanam quidem
fidem confiteri prae se ferunt,
avulsi autem sunt et abscissi et
adversus canonicos nostros episco-

¹ G. Can. ap. 74 (CSP 45-46); conc. Antioch. (341) cc. 12, 14, 15 (CSP 114-116); conc. Sard. (342/343) c. 4 (CSP 163-164); Basilius Caes. c. 1 (CPG 93).

6

On those who ought to be allowed to accuse bishops and clerics¹

There are many who are bent on confusing and overturning the good order of the church and so fabricate, out of hatred and a wish to slander, certain accusations against orthodox bishops in charge of churches. Their intention is none other than to blacken priests' reputations and to stir up trouble among peace-loving laity. For this reason the sacred synod of bishops assembled at Constantinople has decided not to admit accusers without prior examination, and not to allow everyone to bring accusations against church administrators — but without excluding everyone. So if someone brings a private (that is a personal) complaint against the bishop on the grounds that he has been defrauded or in some other way unjustly dealt with by him, in the case of this kind of accusation neither the character nor the religion of the accuser will be subject to examination. It is wholly essential both that the bishop should have a clear conscience, and that the one who alleges that he has been wronged, whatever his religion may be, should get justice.

But if the charge brought against the bishop is of an ecclesiastical kind, then the characters of those making it should be examined, in the first place to stop heretics bringing charges against orthodox bishops in matters of an ecclesiastical kind. (We define “heretics” as those who have been previously banned from the church and also those later anathematised by ourselves: and in addition those who claim to confess a faith that is sound, but who have seceded and hold

¹ See Apostolic canons 74 (CSP 45-46; trans. Percival 597); council of Antioch (341), canons 12, 14, 15 (CSP 114-116; trans. Percival 114-115); council of Sardica (342/343), canon 4 (CSP 163-164; trans. Percival 418); Basil of Caesarea, canon 1 (CPG 93; trans. Percival 604).

- την ὑγίή προσποιούμενου ὁμολογεῖν, ἀποσχίσαντα δέ καί ἀντισυνάγοντα τοῖ κοινωνικοῖ ἡμῶν ἐπισκόποι).
- “Ἐπειτα δέ καί εἰ τινε τῶν ἀπό / τῇ ἐκκλησία ἐπὶ αἰτίαι τισὶ προκατεγνωσμένοι εἰεν καί ἀποβεβλημένοι ἢ ἀκοινώνητοι εἴτε ἀπὸ κλήρου εἴτε ἀπὸ λαϊκοῦ τάγματο , μὴδὲ τοῦτοι ἐ εἶναι κατηγορεῖν ἐπισκόπου, πρὶν ἂν τὸ οἰκεῖον ἐγκλημα πρότερον ἀποδύσωνται. Ὅμοίω δέ καί τοῦ ὑπὸ κατηγορίαν προλαβοῦσαν ὄντα μὴ πρότερον εἶναι δεκτοῦ εἰ ἐπισκόπου κατηγορίαν ἢ ἐτέρων κληρικών, πρὶν ἂν ἄθωου ἑαυτοῦ τῶν ἐπαχθέντων αὐτοῖ ἀποδείξωσιν ἐγ-
- οετικοὶ μὴτε ἀκοινώνητοι εἰεν μὴτε προκατεγνωσμένοι ἢ προκατηγορημένοι ἐπὶ τισὶ πλημμελήμασι, λέγοιεν δέ ἔχειν τινὰ ἐκκλησιαστικὴν κατὰ τοῦ ἐπισκόπου κατηγορίαν, τοῦτου κελεύει ἡ ἅγια σύνοδος πρῶτον μὲν ἐπὶ τῶν τῇ επαρχία πάντων ἐπισκόπων ἐνίστασθαι τὰ κατηγορία καί ἐπ’ αὐτῶν ἐλέγχειν τὰ ἐγκλήματα τοῦ ἐν αἰτίαι τισὶν ἐπισκόπου' εἰ δέ συμβῇ ἀδυνατησαὶ τοῦ ἐπαρχεῶτα προ διόρθωσιν τῶν ἐπιφερομένων ἐγκλημάτων τῷ ἐπισκόπῳ, τότε αὐτοῦ προσιέναι μείζονι συνόδῳ τῶν τῇ διοικήσεω ἐπισκόπων ἐκείνη , ὑπὲρ τῇ αἰτία τούτῃ συγκαλουμένων, καί μὴ πρότερον ἐνίστασθαι τὴν κατηγορίαν, πρὶν ἐγγράφῳ αὐτοῦ ἴσον αὐτοῖ ὑποτιμήσασθαι κίνδυνον, εἴπερ ἐν τῇ τῶν πραγμάτων ἐξετάσει συκοφαντοῦντε τὸν κατηγορούμενον ἐπίσκοπον ἐλεγχθεῖεν. Εἰ δέ τι καταφρονήσῃ τῶν κατὰ τὰ προδηλωθέντα δεδογμένων τολμήσειεν ἢ βασιλικά ἐνοχλεῖν ἀκοᾶ ἢ κοσμικῶν ἀρχόντων δικαστήρια ἢ οἰκουμενικὴν σύνοδον 45 ταρασσείν, πάντα ἀτιμάσα τῷ τῇ διοικήσεω ἐπισκόπῳ , τὸν τοιοῦτον τὸ παράπαν εἰ κατηγορίαν μὴ εἶναι δεκτὸν, ὥ καθυβρίσαντα τοῦ κανόνα' καί τὴν ἐκκλησιαστικὴν λυμηνάμενον εὐταξίαν.
- pos congregationem faciunt). Praeterea autem et si aliqui eorum ab ecclesia ob aliquas causas prius condemnati et eiecti vel excommunicati fuerint, sive ex clero, sive ex laicorum ordine, nec eis licere episcopum accusare, priusquam proprium crimen absterserint. Similiter autem et eos, qui prius rei facti accusatique, non prius ad episcopi vel aliorum clericorum accusationem admitti, quam se obiectorum sibi criminum insontes ostenderit. Sed si nonnulli nec haeretici, nec excommunicari fuerint, nec prius damnati, vel aliquorum criminum accusati, dicant autem se habere aliquas adversus episcopum criminationes, eos iubet sancta synodus primum quidem apud provinciae episcopos accusationem persequi et apud eos probare crimina episcopi, qui aliquarum rerum accusatur; quod si evenerit ut provinciales episcopi crimina quae episcopo intentata sunt, corrigere non possint, tunc ipsos accedere ad maiorem synodum dioecesis illius episcoporum, pro causa convocatorum; et accusationem non prius intendere, quam in scriptis aequale periculum sibi statuunt, si quidem in rebus examinandis accusatum episcopum calumniari convicti fuerint. Si quis autem iis, quae, ut prius declaratum est, decreta fuerunt, contemptis, ausus fuerit vel imperatoris aures molestia afficere, vel saecularium principum iudicia vel universalem synodum perturbare, neglectis dioecesis episcopis, eum nullo modo esse ad accusationem admittendum, ut qui canonibus iniuriam fecerit et ecclesiasticum ordinem everterit.

assemblies in rivalry with the bishops who are in communion with us.) In the second place, persons previously condemned and expelled from the church for whatever reason, or those excommunicated either from the clerical or lay rank, are not to be permitted to accuse a bishop until they have first purged their own crime. Similarly, those who are already accused are not permitted to accuse a bishop or other clerics until they have proved their own innocence of the crimes with which they are charged. But if persons who are neither heretics nor excommunicates, nor such as have been previously condemned or accused of some transgression or other, claim that they have some ecclesiastical charge to make against the bishop, the sacred synod commands that such persons should first lay the accusations before all the bishops of the province and prove before them the crimes committed by the bishop in the case. If it emerges that the bishops of the province are not able to correct the crimes laid at the bishop's door, then a higher synod of the bishops of that diocese, convoked to hear this case, must be approached, and the accusers are not to lay their accusations before it until they have given a written promise to submit to equal penalties should they be found guilty of making false accusations against the accused bishop, when the matter is investigated.

If anyone shows contempt of the prescriptions regarding the above matters and presumes to bother either the ears of the emperor or the courts of the secular authorities, or to dishonour all the diocesan bishops and trouble an ecumenical synod, there is to be no question whatever of allowing such a person to bring accusations forward, because he has made a mockery of the canons and violated the good order of the church.

Z

Περὶ των προστιθεμένων τη
ὀρθοδοξία πῶ αὐτοῦ δεκτέον¹

Τοῦ προστιθεμένου τη ὀρθοδοξία καὶ τη μερίδι των σιρζομένων ἀπὸ αἱρετικῶν δεχόμεθα κατὰ την ὑποταταγμένην ἀκολουθίαν καὶ συνήθειαν. Ἀρειανοῦ μὲν καὶ μακεδονιανοῦ καὶ σαββατιανοῦ καὶ ναυατιανοῦ, τοῦ λέγοντα ἑαυτοῦ καθαρῶ, καὶ αριστεροῦ καὶ τεσσαρεσκαίδεκατίτα εἰπουν τετραδίτα, καὶ ἀπολλιναριστὰ, δεχόμεθα δίδοντα λιβέλλου καὶ ἀναθεματίζοντα πᾶσαν αἵρεσιν, μὴ φρονούσαν ὥ φρονεῖ ἡ ἁγία τοῦ θεοῦ καθολικὴ καὶ ἀποστολικὴ ἐκκλησία¹ καὶ σφραγιζομένου, ἥτοι χριστομένου, πρῶτον τῷ ἁγίῳ μύρῳ τὸ τε μέτωπον καὶ τοῦ οφθαλμοῦ καὶ τὰ ῥίνα καὶ τὸ στόμα καὶ τὰ ὠτα¹ καὶ σφραγιζοντε αὐτοῦ λέγομεν Σφραγὶ δωρεὰ πνεύματος ἁγίου. Εὐνομιανοῦ μέντοι, τοῦ εἰ μίαν κατάδυσιν βαπτίζομένου, καὶ μοντανιστὰ, τοῦ ἐνταῦθα λεγομένου Φρύγα, καὶ σαβελλιανοῦ, τοῦ υἱοπατορίαν διδάσκοντα καὶ ἑτέρα τινα χαλεπὰ ποιοῦντα, καὶ τὰ ἄλλο πᾶσα αἵρεσει, (ἐπειδὴ πολλοὶ εἰσιν ἐνταῦθα, μάλιστα οἱ ἀπὸ τῆ Γαλατῶν χώρα ὀρμώμενοι), πάντα τοῦ ἀπ' αὐτῶν θέλοντα προστίθεσθαι τη ὀρθοδοξίᾳ ὥ Ἑλληνα δεχόμεθα¹ καὶ την πρῶτην ἡμέραν ποιοῦμεν αὐτοῦ χριστιανοῦ, την δὲ δευτέραν κατηχούμενου, εἴτα τη τρίτῃ ἐξορκίζομεν αὐτοῦ μετὰ τοῦ ἐμφυσαν τρίτον εἰ τὸ πρόσωπον καὶ εἰ τὰ ὠτα¹ καὶ οὕτω κατηχούμεν αὐτοῦ, καὶ ποιοῦμεν χρο- νίζειν ἐν τη ἐκκλησίᾳ καὶ ἀκροασθαι τῶν γραφῶν καὶ τότε αὐτοῦ βαπτίζομεν.

VII

*reaffiendi lint qui ad rectam
fidem accedunt¹*

Eos qui rectae fidei adiiciuntur, et parti eorum qui ex haereticis servantur, recipimus, secundum subjectam hic consequentiam et consuetudinem. Arianos quidem, et Macedonianos, et Sabbatianos, et Novatianos, qui dicunt se ipsos Catharos et Aristeros (hoc est, mundos, vel sinistros), et Tessaradecatitas, sive Tetraditas, et Apollinaristas recipimus, dantes quidem libellos, et omnem haeresim anathematizantes, quae non sentit ut sancta Dei catholica et apostolica ecclesia; et signatos, sive unctos primum sancto chrismate et frontem et oculos et nares et os et aures. Et eos signantes dicimus: Signaculum doni Spiritus Sancti. Atqui Eunomianos, qui in unam demersionem baptizantur, et Montanistas, qui hic dicuntur Phryges, et Sabellianos, qui eundem esse Patrem et Filium opinantur, utrumque simul confundentes, et alia gravia et indigna faciunt, et alias omnes haereses (quoniam hic multi sunt haeretici, et maxime qui ex Galatarum regione veniunt) quicumque ex his rectae fidei adscribi volunt, ut Graecos admittimus: et primo quidem die ipsos Christianos facimus; secundo catechumenos; deinde tertio exorcizamus sive adiuramus ipsos, ter simul in faciem eorum et aures insufflando. Et sic eos catechizamus sive iniciamus, et curamus ut longo tempore versentur in ecclesia, et audiant scripturas; et tunc eos baptizamus.

¹ Cf. conc. Nie. I, cc. 8, 19 (v. supra pp. 9-10.15); Can. ap. 46, 47, 68 (CSP 31, 42-43); conc. Laod. (325/381), cc. 7, 8 (CSP 133-134); Basilius Caes. cc. 1, 5, 47 (CPG 93, 103, 137).

7

On how to receive those who embrace orthodoxy[†]

Those who embrace orthodoxy and join the number of those who are being saved from the heretics, we receive in the following regular and customary manner: Arians, Macedonians, Sabbatians, Novatians, those who call themselves Cathars and Aristeri, Quartodecimans or Tetradites, Apollinarians — these we receive when they hand in statements and anathematise every heresy which is not of the same mind as the holy, catholic and apostolic church of God. They are first sealed or anointed with holy chrism on the forehead, eyes, nostrils, mouth and ears. As we seal them we say: “Seal of the gift of the holy Spirit”. But Eunomians, who are baptised in a single immersion, Montanists (called Phrygians here), Sabellians, who teach the identity of Father and Son and make certain other difficulties, and all other sects — since there are many here, not least those who originate in the country of the Galatians — we receive all who wish to leave them and embrace orthodoxy as we do Greeks. On the first day we make Christians of them; on the second catechumens; on the third we exorcise them by breathing three times into their faces and their ears; and thus we catechise them and make them spend time in the church and listen to the scriptures; and then we baptise them.

[†] See council of Nicaea I, canons 8, 19 (see above pp. 9-10, 15); Apostolic canons 46, 47, 68 (CSP 31, 42-43; trans. Percival 597-598); council of Laodicea (325/381), canons 7, 8 (CSP 133-134; trans. Percival 127-128); Basil of Caesarea, canons 1, 5, 47 (CPG 93, 103, 137; trans. Percival 604, 607).

Ephesus

431

INTRODUCTION

Nestorius, who had been condemned in a council at Rome on 11 August 430, asked the emperor Theodosius II to summon this council. The emperor therefore decided to summon it together with his co-emperor Valentinian III and with the agreement of Pope Celestine I. Theodosius's letter of 19 November 430 requested all those who had been summoned to be present at Ephesus on 7 June 431, the feast of Pentecost.

On 22 June, however, before the arrival either of the Roman legates or the eastern bishops led by John of Antioch, Cyril of Alexandria began the council. Nestorius was summoned three times but did not come. His teaching was examined and judgment passed upon it, which 197 bishops subscribed at once and others later accepted¹.

Shortly afterwards John of Antioch and the easterners arrived: they refused communion with Cyril and set up another council. The Roman legates (the bishops Arcadius and Projectus and the priest Philip), on arriving, joined Cyril and confirmed the sentence against Nestorius. Then the council in its fifth session on 17 July excommunicated John and his party².

The documents of the Cyrilline council³, the only one which is ecumenical, are included below and are as follows. 1) The central dogmatic act of the council⁴ is its judgment about whether the second letter of Cyril to Nestorius, or Nestorius's second letter to Cyril, was in conformity with the Nicene creed, which was recited at the opening of the council's proceedings. Cyril's letter was declared by the fathers to be in agreement with Nicaea, Nestorius's was condemned. Both are here printed⁵. Mention is made of Cyril's letter in the definition of Chalcedon⁶. 2) The 12 anathemas and the preceding explanatory letter, which had been produced by Cyril and the synod of Alexandria in 430 and sent to Nestorius⁷, were read at Ephesus and included in the proceedings⁸. 3) The

¹ See E. Gerland — V. Laurent, *Corpus notitiarum episcopatum ecclesiae orientalis graecae*, fasc. II, Part II (Council of Ephesus), Kadi-Koey 1936, 36 and 51.

² ACO I I 3, 24-26.

³ On the teaching of the council: I Ortiz de Urbina, *11 dogma di Efeso*, *Revue des études byzantines* 11 (1953) 233-240; H. M. Diepen *Douze dialogues de christologie ancienne*, Rome 1960, 49-94; and especially A. Grillmeier, *Christ in Christian Tradition*, London 21975, 443-501.

⁴ J. Lebon, *Autour de la définition de foi au concile d'Ephèse (431)*, *Ephemerides theologiae Lovanienses* 8 (1931) 393-412.

⁵ See below pp. 40-50. For Cyril's letter: ACO III, 25-28 (Greek text); ACO I V 337-340 (Latin version from the Quesnel collection). For Nestorius's letter: ACO III, 29-32 (Greek text); ACO I III 23-26 (Latin version of Rusticus).

⁶ See below p. 85.

ACO III, 33-42 (Greek text); ACO I V 236-244 (Latin version of Dionysius Exiguus).

⁸ See below pp. 50-61. ACO I I 2, 36.26.

decision about Nestorius⁹. 4) The letter of the council advising all the bishops, clergy and people about the condemnation of John of Antioch; and some paragraphs dealing with the discipline of the Nestorian party¹⁰. 5) A decree on the faith, approved in the sixth session on 22 July, which confirmed the Nicene creed, ordered adherence to that alone and forbade the production of new creeds. 6) A definition against the Messalians. 7) A decree about the autonomy of the church of Cyprus¹¹.

Both councils sent legates to the emperor Theodosius, who approved neither and sent the bishops away¹⁴. Nestorius had already been given permission to revisit his monastery at Antioch¹⁵, and on 25 October 431 Maximianus was ordained patriarch at Constantinople¹⁶. The decrees of the council were approved by Pope Sixtus III shortly after his own ordination on 31 July 432¹⁷.

The reconciliation between the Cyrilline party and the eastern bishops was not easy. In the end, on 23 April 433, Cyril and John of Antioch made peace. John's profession of faith was accepted by Cyril and became the doctrinal formula of union. It is included here¹⁸, together with Cyril's letter in which he at some length praises John's profession and accepts it, adding to it some explanation about his own expressions¹⁹; this letter is mentioned in the definition of Chalcedon²⁰. Shortly afterwards, probably in 436, Nestorius was definitely sent into exile by the emperor²¹.

The English translation is from the Greek text, which is the more authoritative version.

BIBLIOGRAPHY: H-L 2, 287-377; Percival 191-242; DThC 5 (1918) 137-163; DDrC 5 (1953) 362-364; LThK 3 (-'1959) 923; DHGE 15 (1963) 562-574; NCE 5 (1967) 458-461;

⁹ See below pp. 61-62. ACO I I 2, 54 (Greek text); ACO I III 82-83 (Latin version of Rusticus).

¹⁰ See below pp. 62-64. The paragraphs in question were accepted into the Greek canonical collections as canons 1-6 of the council of Ephesus. We give the text according to the manuscripts of the acts of the council: ACO I I 3, 26-28 (in Greek); ACO I IV 242-243 (in Latin, from the collection of the Cassinese monks).

¹¹ See below pp. 64-66. This was received into the canonical collections as canon 7 of the council of Ephesus. We give the text according to the manuscripts of the acts of the council, while omitting the patristic florilegium and also what was done in connection with the priest Charisius: ACO I I 7, 89 and 105-106 (in Greek); ACO I III 120-121 and 133 (Latin version of Rusticus). On this decree see M. Jugie, *Le décret du concile d'Ephèse sur les formules de foi et la polémique anticatholique en Orient*, Echos d'Orient 34 (1931) 257-270.

¹² See below pp. 66-67. ACO I I 7, 117-118 (Greek text); ACO I V 354-355 (Latin version from the Winter collection).

See below pp. 68-69. ACO I I 7, 122 (Greek text); ACO I V 360 (Latin version from the Winter collection).

¹⁴ ACO I I 7, 142. ¹⁵ ACO I I 7, 71; see 7, 76ff.

¹⁶ Socrates, *Historia Ecclesiastica (Church History)* 7, 37, 19 (ed. R. Hussey, 2 822)

¹⁷ ACO I I 7, 144 ff.

¹⁸ See below pp. 69-70. The Greek text is in ACO I 14, 8-9 (A); 4, 17(B); 7, 159 (C); see also ACO I I 7, 70.15-22 (D). We have appended the Latin version of Rusticus, ACO I III 186-187.

¹⁹ See below pp. 70-74. ACO I I 4, 17-20 (Greek text); ACO I III 189-191 (Latin version of Rusticus). ²⁰ See below p. 85. ²¹ ACO I I 3, 67.

HC 2 (1980) 103-107; E. Schwartz, *Konzilsstudien*, Strasbourg 1914; id., *Neue Aktenstücke Zinn Ephes. Konzil von 431*, Abhandl. Bayr. Ak. W. 1920; id., various commentaries in ACO, vol. 1; P. Batiffol, *Un épisode du tonale d'Ephese (juillet 431) d'après les actes coptes de Bouriant*, Mélanges Schlumberger, Paris 1924, 28-39; R. Devreese, *Les actes du concile d'Éphèse*, Revue des sciences philos, et théol. 18 (1929) 233-242, 408-431; I. Rucker, *Ephesische Konzilakten in armenisch-georgisch-er Überlieferung*, Sitzungsber. Bayr. Ak. W. 1930, 3 (see *Orientalia Christiana periodica* 1 (1935) 503); id., *Rund um das Recht der 20 Ephes. Anklagezitate — aus Nestorius wider Nestorius — im Lichte der synschen Nestonusapologie genannt Liber Heradidis*, Ochsenbronn 1930; id., *Ephes. Konzilakten in latein. Überlieferung*, ibid. 1931; A. d'Alès, *Le dogme d'Éphèse*, Paris 1931; A. N. Diamantopoulos, *Concilium Ephes, oecum. II* (in Greek), Athens 1933; G. Neyron, *S. Cyrille et le concile d'Éphèse*, Kyrilliana (Sémin. francise, orient.) Cairo 1947; I. Ortiz de Urbina, *II dogma di Efeso*, Revue des études byzantines 11 (1953), 233-240; H. M. Diepen, *Douze dialogues de christologie ancienne*, Rome 1960, 49-94; P.-Th. Camelot, *Éphèse et Chalcedoine*, Histoire des conciles 2, Paris 1961; T. Sagi-Bunic, *Doannentatio doctrinalis Ephesino-Chalcedonensis*, Laurentianum 3 (1962) 499-514; id., *"Deus perfectus et homo perfectus", A concilio Ephesino ad Chalcedonense*, Rome 1965; A. Grillmeier, *Christ in Christian Tradition*, London 1975; A. J. Festugière (ed.), *Éphèse et Chalcedoine, actes des conciles*, Paris 1982.

TEXT AND TRANSLATION

Κυρίλλου ἐπιστολή δευτέρα
πρὸ Νεστορίου

Cyrilli epistula altera ad
Nestorium

Τὼ εὐλαβεστάτῳ καὶ θεοφιλεστάτῳ
συλλειτουργῷ Νεστορίῳ Κύριλλο ἐν
Κυρίῳ χαίρειν

<Reverentissimo et optimo dei
cultori comministro Nestorio
Cyrillus in domino salutem>

Καταφλυαρούσι μεν, ὡς μανθάνω, τινὲς τῇ ἐμῇ ὑπολήψει ἐπὶ τῇ Θεοσεβείᾳ, καὶ τοῦτο συχνῶς, τὰ τῶν ἐν τελείᾳ συνόδου καιροφυλακούντες μάλιστα, καὶ τάχα πού καὶ τέρπειν οἰόμενοι τὴν σὴν ἀκοήν καὶ
10 ἀβούλητον πέμπουσι φωνά, ἡδίκημένοι μὲν οὐδέν, ἐλεγχθέντες δέ, καὶ τοῦτο χρηστοῦ, ὃ μὲν ὅτι τυφλοῦ ἡδίκηει καὶ πένητα, ὃ δὲ ὡς μητρί ξίφο ἐπανατεῖνα, ὃ δὲ θεραπαίνῃ
15 συγκεκλοφῶ χρυσίον ἀλλότριον καὶ τοιαύτην ἐσχηκῶς αἰεὶ τὴν ὑπόληψιν, ἣν οὐκ ἂν εὐξαιτό τι συμβῆναι τισιν καὶ τῶν λίαν ἐχθρῶν. Πλήν οὐ πολὺ τῶν τοιούτων ὁ λόγος ἐμοί, ἵνα μήτε τὸν δεσπότην καὶ διδάσκαλον μήτε μὴν ὑπὲρ τοῦ πατέρα τὸ τὴν ἐνούση ἐμοί βραχύτητο ἐκτείνωμι μέτρον οὐ γὰρ ἐνδέχεται τὰ τῶν φαύλων διαδράναι σκαιότητα, ὡς ἂν ἐλοιτό τι διαβιοῦν ἀλλ' ἐκεῖνοι μὲν ἄρα καὶ πικρία μεστὸν ἔχοντες τὸ στόμα τῷ πάντων ἀπολογήσονται κριτῇ¹. τετράψομαι δὲ πάλιν ἐγὼ πρὸς τὸ ὅτι μάλιστα πρέπον ἐμαυτῷ καὶ ὑπομνήσω καὶ νῦν ὡς ἀδελφὸν ἐν Χριστῷ τῇ διδασκαλίᾳ τὸν λόγον καὶ τὸ ἐπὶ τῇ πίστει φρόνημα μετὰ πάσῃ ασφαλείᾳ ποιεῖσθαι πρὸς τοῦ λαοῦ, ἐννοεῖν τε ὅτι τὸ σκανδαλίσαι καὶ μόνον ἐνα τῶν μικρῶν τῶν πιστευόντων εἰ Χριστὸν² ἀφόρητον ἔχει τὴν ἀγανάκτησιν. Εἰ δὲ δὴ πληθὺ εἴη τοσαύτη τῶν λελυπημένων, πῶς οὐχ ἀπάσῃ· εὐτεχνία ἐν
40 χρεῖα καθεστήκαμεν πρὸς γε τὸ δεῖν ἐμφρόνως περιελεῖν τὰ σκάνδαλα καὶ τὸν ὑγίᾳ τῇ πίστει κατευρύναι λόγον τοῦ ζητοῦσι τὸ ἀληθές; Ἔσται δὲ τοῦτο καὶ μάλα ὀρθῶς, εἰ τοῦ τῶν

Comperi quosdam existimationi meae detrahentes apud reverentiam tuam multa garrere et id crebro frequenterque agere et maxime tunc cum virorum inlustrum atque prudentium praesto esse plurimos vident, et fortasse opinantes tuas aures delectari, non adeo ex voluntate tales adversus nos voces emittunt, homines nulla quidem in re a me prorsus offensi nec laesi, sed modeste a nobis clementerque convicti, unus quia caesis vim egentibusque faciebat, alter quia super matrem suam erexit gladium, alius quia cum ancilla aurum rapuit alienum et hac semper existimatione vixit, quam nullus inimicissimo suo optat evenire. Ceterum talium hominum nullam omnino habeo curam, ne videar supra dominum aut magistrum vel supra patres nostros mensuram meae mediocritatis extendere; neque enim fieri potest ut aliquis maledicorum virus et molestiam vitare possit, quamvis rectissime vivat. Sed illi maledictionis et amaritudinis os plenum habentes rationem iudici omnium reddituri sunt; ego autem me converto ad id quod me maxime decet, et te nunc quoque admonebo quasi fratrem in Domino ut doctrinam verbi et sensum fidei caute et cum omni observatione facias semper ad populos, sciens plane quod si quis ex his qui in Christum credunt, unum dumtaxat scandalizaverit², indignationi subiacebit ingenti. Sin vero non unus sit, sed multitudo decepta, tunc omni arte nobis utendum est ut

* Cf. Rm 3,14.

* Cf. Mt 18,6.

Second letter of Cyril to Nestorius

Cyril sends greeting in the Lord to the most religious and reverend fellow-minister Nestorius

I understand that there are some who are talking rashly of the reputation in which I hold your reverence, and that this is frequently the case when meetings of people in authority give them an opportunity. I think they hope in this way to delight your ears and so they spread abroad uncontrolled expressions. They are people who have suffered no wrong, but have been exposed by me for their own profit, one because he oppressed the blind and the poor, a second because he drew a sword on his mother, a third because he stole someone else's money in collusion with a maidservant and since then has lived with such a reputation as one would hardly wish for one's worst enemy. For the rest I do not intend to spend more words on this subject in order not to vaunt my own mediocrity above my teacher and master or above the fathers. For however one may try to live, it is impossible to escape the malice of evil people, whose mouths are full of cursing and bitterness and who will have to defend themselves before the judge of all.

But I turn to a subject more fitting to myself and remind you as a brother in Christ always to be very careful about what you say to the people in matters of teaching and of your thought on the faith. You should bear in mind that to scandalise even one of these little ones that believe in Christ² lays you open to unendurable wrath. If the number of those who are distressed is very large, then surely we should use every skill and care to remove scandals and to expound the healthy word of faith to those who seek the truth. The most effective way to achieve this end will be zealously to occupy ourselves with the words of the holy

¹ See Rm 3, 14.

² See Mt 18, 6.

ἁγίων πατέρων περιτυγχάνοντε
λόγοι: περί πολλοῦ τε αὐτοῦ ποιεῖ-
σθαι σπουδάζοιμεν καὶ δοκιμάζοντε
ἑαυτοῦ εἰ ἐσμέν ἐν τῇ πίστει κατὰ
τὸ γεγραμμένον¹, ταῖ ἐκείνων ὀρθαῖ
καὶ ἀνεπιλήπτοι δόξαι τὰ ἐν ἡμῖν
έννοια εὐ μίλα συμπλάττοιμεν.

scriptum est¹, tum demum rectis illorum atque inreprehensibilibus
institutis sensus nostros animosque formemus.

10 Ἐφη τοίνυν ἡ ἅγια καὶ μεγάλη
σύνδοδος³ αὐτὸν τὸν ἐκ θεοῦ πατρός
κατὰ φύσιν γεννηθέντα υἱὸν μονο-
γενῆ, τὸν ἐκ θεοῦ ἀληθινὸν θεὸν
ἀληθινόν, τὸ φῶς τὸ ἐκ τοῦ φωτός, τὸν
δι' οὗ τὰ πάντα πεποίηκεν ὁ πατήρ,
κατελθεῖν σαρκωθῆναι ἐνανθρωπῆσαι
παθεῖν ἀναστῆναι τῇ τρίτῃ ἡμέρᾳ καὶ
ἀνελθεῖν εἰς οὐρανόν. Τοῦτοι καὶ ἡμᾶς
ἐπεσθαι δεῖ καὶ τοῖ λόγοι καὶ τοῖ
20 δόγμασιν, ἐννοοῦντα τί τὸ σαρκω-
θῆναι καὶ ἐνανθρωπῆσαι δηλοῖ τὸν
ἐκ θεοῦ λόγον. Οὐ γὰρ φαμέν διὰ τὴν
τοῦ λόγου φύσιν μεταποιηθεῖσα γέ-
γονε σαρξ, ἀλλ' οὐδέ διὰ τὴν εἰς ἄνθρω-
35 πον μετεβλήθη τὸν ἐξ ψυχῆ καὶ
σώματος, ἐκεῖνο δὲ μάλλον ὅτι σάρκα
ἐψυχωμένην ψυχῇ λογικῇ ἐνώσα ὁ
λόγος ἑαυτῷ καθ' ὑπόστασιν ἀφρά-
στω τε καὶ ἀπερινοήτῳ γέγονεν
ἄνθρωπο καὶ κεχρημάτικεν υἱὸς
ἀνθρώπου, οὐ κατὰ θέλησιν μόνην ἢ
εὐδοκίαν, ἀλλ' οὐδέ ὡς ἐν προσλήψει
προσώπου μόνου* καὶ διὰ τὴν διαφορὰν
μὲν αἰετὸς ἐνότητά τὴν ἀληθινὴν
35 συνενεχθεῖσαι φύσει, εἰ δὲ ἐξ
ἀμφοῖν Χριστὸς καὶ υἱὸς, οὐχ ὡς
τῶν φύσεων διαφορὰ ἀνηρημέ-
νη διὰ τὴν ἐνῶσιν, ἀποτελεσασῶν δὲ
μάλλον ἡμῖν τὸν ἑνα κύριον καὶ
40 Χριστόν καὶ υἱόν θεότητό τε καὶ
ἀνθρωπότητό διὰ τὴν ἀφράστου καὶ
ἀπορρήτου πρὸ ἐνότητά συνδρομή.
Οὕτω τε λέγεται, καίτοι πρὸ αἰώνων
ἔχων τὴν ὑπαρξιν καὶ γεννηθεῖς ἐκ
πατρὸς, γεννηθῆναι καὶ κατὰ σάρκα

circumcidamus scandala et illis qui
quaerunt veritatem, sanam rectam-
que fidei dirigere rationem. Id au-
tem facile fiet, si patrum recensentes
scripta sanctorum, eos plurimi faci-
amus et nosmet ipsos consulentes si
in fide consistimus, secundum quod

Ait igitur sancta et magna syn-
odus² ipsum qui est ex Deo Patre
naturaliter natus, Filium unigeni-
tum, Deum verum de Deo vero,
lumen de lumine, per quem et cum
quo omnia fecerit Pater, hunc de-
scendisse, incarnatum esse et homi-
nem factum, passum esse, surrexisse
tertia die et ascendisse rursus in
caelos. Haec nos sequi verba debe-
mus; his nos convenit obtemperare
dogmatibus, considerantes quid sit
incarnatum esse et hominem factum
Dei Verbum. Non enim dicimus
quod Dei natura conversa vel im-
mutata facta sit caro nec quod in
totum hominem, qui est ex anima
et corpore, transformata sit, sed
illud magis quod carnem animatam
anima rationabili sibi copulaverit
Verbum substantialiter, ineffabiliter
et inreprehensibiliter factus sit homo
et nuncupatus sit etiam filius ho-
minis, non nuda tantummodo vo-
luntate, sed nec adsumptione sola
personae, sed quod diversae qui-
dem naturae in unum convenerint,
unus tamen ex ambabus Christus
et Filius, non evacuata aut sublata
diversitate naturarum per conjunc-
tionem, sed quia simul nobis effe-
runt unum Dominum et Christum
et Filium, id est divinitas et humani-
tas, per arcanam illam ineffabilem-
que copulationem ad unitatem. Ita-
que is qui ante saecula omnia est

¹ Cf. 2 Cor 13, 5. ¹ Symb. Nicaenum (v. supra p. 5).

fathers, to esteem their words, to examine our words to see if we are holding to their faith as it is written¹, to conform our thoughts to their correct and irreproachable teaching.

The holy and great synod, therefore, stated² that the only begotten Son, begotten of God the Father according to nature, true God from true God, the light from the light, the one through whom the Father made all things, came down, became incarnate, became man, suffered, rose on the third day and ascended to heaven. We too ought to follow these words and these teachings and consider what is meant by saying that the Word from God took flesh and became man. For we do not say that the nature of the Word was changed and became flesh, nor that he was turned into a whole man made of body and soul. Rather do we claim that the Word in an unspeakable, inconceivable manner united to himself hypostatically flesh enlivened by a rational soul, and so became man and was called son of man, not by God's will alone or good pleasure, nor by the assumption of a person alone. Rather did two different natures come together to form a unity, and from both arose one Christ, one Son. It was not as though the distinctness of the natures was destroyed by the union, but divinity and humanity together made perfect for us one Lord and one Christ, together marvellously and mysteriously combining to form a unity. So he who existed and was begotten of the Father before all ages is also said to have been begotten according to the flesh of a woman, without the divine nature either beginning to

¹ See 2 Cor 13, 5.

² Nicene creed (see above p. 5).

be γυναικὸς, οὐχ ὡς τῇ θείᾳ αὐτοῦ
 φύσει ἀρχὴν τοῦ εἶναι λαβοῦσα ἐν
 τῇ ἁγίᾳ παρθένῳ οὔτε μὴν δεηθεῖση
 ἀναγκαίῳ δι' ἐαυτὴν δευτέρα γεννή-
 σεω μετὰ τὴν ἐκ πατρὸς, (ἴσθι γάρ
 εἰκαῖόν τε ὁμοῦ καὶ ἀμαθέ τον ὑπάρ-
 χοντα πρό παντός αἰῶνος καὶ συναϊδίου
 τῷ πατρὶ δεῖσθαι λέγειν ἀρχὴ τῇ εἰ-
 τὸ εἶναι δευτέρα), ἐπειδὴ δὲ δι' ἡμᾶς
 καὶ διὰ τὴν ἡμετέραν σωτηρίαν
 ἐνώσα ἐαυτῷ καθ' ὑπόστασιν τὸ
 ἀνθρώπινον προήλθεν ἐκ γυναικὸς,
 ταύτῃ τοι λέγεται γεννηθῆναι σαρκί-
 κῶς. Οὐ γὰρ πρῶτον ἀνθρώπο
 ἐγεννηθη κοινὸς ἐκ τῇ ἁγίᾳ παρθέ-
 νου, εἰθ' οὕτω καταπεφοίτηκεν ἐπ'
 αὐτόν ὁ λόγος, ἀλλ' ἐξ αὐτῆς μήτρας
 ἐνωθεὶς ὑπομεῖναι λέγεται γέννησιν
 σαρκικήν, ὡς τῇ ἰδίᾳ σαρκὶ τὴν
 γέννησιν οἰκειούμενο. Οὕτω φανέν
 αὐτόν καὶ παθεῖν καὶ ἀναστήναι, οὐχ
 ὡς τοῦ θεοῦ λόγος παθόντος εἰ-
 ἰδιαν φύσιν ἢ πληγὰ ἢ διατρήσει
 ἡλῶν ἢ γούνην ταῖς ἑτέρας τῶν τραυμάτων,
 (ἀπαθὲς γὰρ τὸ θεῖον, ὅτι καὶ ἄσώμα-
 τον), ἐπειδὴ δὲ τὸ γεγονός αὐτοῦ
 ἰδίον σῶμα πέπονθεν τοῦτα, πάλιν
 αὐτό λέγεται παθεῖν ὑπὲρ ἡμῶν" ἦν
 γὰρ ὁ ἀπαθὴς ἐν τῷ πάσχοντι σώματι.
 Κατὰ τὸν ἴσον δὲ τρόπον καὶ ἐπὶ τοῦ
 τεθνάναι νοοῦμεν ἀθάνατον μὲν γὰρ
 κατὰ φύσιν καὶ ἀφθαρτον καὶ ζωὴν
 καὶ ζωοποιὸς ἐστὶν ὁ τοῦ θεοῦ
 λόγος, ἐπειδὴ δὲ πάλιν τὸ ἰδίον
 αὐτοῦ σῶμα χάριτι θεοῦ, καθὰ φησιν
 ὁ Παῦλος, ὑπὲρ παντός ἐγεύσατο
 θανάτου¹, λέγεται παθεῖν αὐτό τον
 ὑπὲρ ἡμῶν θάνατον, οὐχ ὡς εἰ-
 πείραν ἐλθὼν τοῦ θανάτου τὸ γε-
 ἦκον εἰς τὴν αὐτοῦ φύσιν, {ἀποπληξία
 γὰρ τοῦτο λέγειν ἢ φρονεῖν}, ἀλλ'
 ὅτι, καθάπερ ἐφην ἄρτι, ἡ σὰρξ
 αὐτοῦ ἐγεύσατο θανάτου. Οὕτω καὶ
 ἐξηγερούμενη αὐτοῦ τῇ σαρκὶ, πάλιν
 ἢ ἀνάστασι αὐτοῦ λέγεται, οὐχ

natus ex Patre, etiam ex muliere
 carnaliter dicitur procreatus, non
 quia divina ipsius natura de sacra
 Virgine sumpsit exordium nec quod
 propter se ipsam opus habuit secun- s
 do nasci post illam nativitatem quam
 habebat ex Patre, (est enim ineptum
 et stultum hoc dicere quod is qui
 ante omnia saecula est consemi-
 temus Patri, secundae generationis 10
 eguerit, ut esse inciperet); sed quia
 propter nos et propter nostram sa-
 lutem naturam sibi copulavit huma-
 nam et processit ex muliere, idcirco
 dicitur natus esse carnaliter. Neque is
 enim primum natus est homo com-
 munis de sancta Virgine et tunc
 demum inhabitavit in eo Verbum,
 sed in ipsa vulva uteroque virginali
 se cum carne coniunxit et sustinuit 20
 generationem carnalem, carnis suae
 nativitatem suam faciens. Sic illum
 dicimus et passum esse et surrexis-
 se, non quia Deus Verbum in sua
 natura passus sit aut plagas aut cla- 25
 vorum transfixiones aut alia vulnera,
 (Deus namque incorporealis extra
 passionem est), sed quia corpus illud
 quod ipsius proprium factum est,
 passum est, ideo haec omnia pro 30
 nobis ipse dicitur passus; inerat
 enim in eo corpore quod patiebatur,
 Deus qui pati non poterat. Simili
 modo et mortem ipsius intellegimus.
 Immortale enim et incorruptibile 35
 est naturaliter et vita et vivificans
 Dei Verbum, sed quia corpus ipsius
 proprium gratia Dei iuxta Pauli vo-
 cem pro omnibus mortem gustavit¹,
 idcirco ipse dicitur mortem passus 40
 esse pro nobis, non quod ipse mor-
 tem esset expertus quantum ad
 ipsius naturam pertinet, (insania est
 enim hoc vel sentire vel dicere), sed
 quod, ut supra diximus, vera caro 45

¹ Cf. Hcb 2,9.

exist in the holy virgin, or needing of itself a second begetting after that from his Father. (For it is absurd and stupid to speak of the one who existed before every age and is coeternal with the Father, needing a second beginning so as to exist.) The Word is said to have been begotten according to the flesh, because for us and for our salvation he united what was human to himself hypostatically and came forth from a woman. For he was not first begotten of the holy virgin, a man like us, and then the Word descended upon him; but from the very womb of his mother he was so united and then underwent begetting according to the flesh, making his own the begetting of his own flesh.

In a similar way we say that he suffered and rose again, not that the Word of God suffered blows or piercing with nails or any other wounds in his own nature (for the divine, being without a body, is incapable of suffering); but because the body which became his own suffered these things, he is said to have suffered them for us. For he was without suffering, while his body suffered. Something similar is true of his dying. For by nature the Word of God is of itself immortal and incorruptible and life and life-giving, but since on the other hand his own body by God's grace, as the apostle says, tasted death for all¹, the Word is said to have suffered death for us, not as if he himself had experienced death as far as his own nature was concerned (it would be sheer lunacy to say or to think that), but because, as I have just said, his flesh tasted death. So too, when his flesh was raised to life, we refer to this again as his resurrection, not as though he had

¹ See Heb 2, 9.

ὥ πεσόντο εἰ φθοράν, μή γένοιτο, ἀλλ' ὅτι τὸ αὐτοῦ πάλιν ἐγήγερται σῶμα.

Οὕτω Χριστόν ἓνα καὶ κύριον δμο-
λογήσομεν, οὐχ ὥ ἄνθρωπον συμ-
προσκυνοῦντε τῷ λόγῳ, ἵνα μή το-
μή φαντασία παρεισκρίνηται διὰ τοῦ
λέγειν τὸ 'συν', ἀλλ' ὥ ἓνα καὶ τὸν
αὐτὸν προσκυνοῦντε, ὅτι μή ἀλλό-
τριον τοῦ λόγου τὸ σῶμα αὐτοῦ,
μεθ' οὗ καὶ αὐτῷ συνεδρεῦει τῷ
πατρὶ, οὐχ ὥ δύο πάλιν συνεδρευόν-
των υἱῶν, ἀλλ' ὥ ἐνὸ καθ' ἐνωσιν
μετὰ τῇ ἰδίᾳ σαρκὶ. Ἐάν δέ τὴν
καθ' ὑπόστασιν ἐνωσιν ἢ ὥ ἀνέφικτον
ἢ ὥ ἀκαλλή παραιτώμεθα, ἐμπί-
πτομεν εἰ τὸ δύο λεγεῖν υἱοῦ· ἀνάγκη
γάρ πάσα διορίσαι καὶ εἰπεῖν τὸν
μὲν ἄνθρωπον ἰδικῶς τῇ τοῦ υἱοῦ
κλήσει τετιμημένον, ἰδικῶς δέ πάλιν
τὸν ἐκ θεοῦ λόγον υἰότητι ὀνομά τε
καὶ χρήμα ἔχοντα φυσικῶς. Οὐ διαίρε-
τέον τοιγαροῦν εἰ υἱοῦ δύο τὸν ἓνα
κύριον Ἰησοῦν Χριστόν. Ὁνήσει δέ
κατ' οὐδένα τρόπον τὸν ὀρθόν τῇ πί-
στεω λόγον εἰ τὸ οὕτω ἔχειν, καὶ εἰ
προσώπων ἐνωσιν ἐπιφημιζώσι τινε-
οὐ γὰρ εἴρηκεν ἡ γραφή ὅτι ὁ λόγος
ἄνθρωπον πρόσωπον ἠνώσεν ἑαυτῷ,
ἀλλ' ὅτι γέγονε σὰρξ¹. τὸ δέ σὰρκα
γενέσθαι τὸν λόγον οὐδέν ἕτερόν ἐστιν
εἰ μή ὅτι παραπλησίως ἡμῖν μετεσχεν
αἵματος καὶ σαρκὸς², ἐδίων τε σῶμα
τὸ ἡμῶν ἐποίησατο καὶ προήλθεν
ἄνθρωπο ἐκ γυναικὸς, οὐκ ἀποβεβλη-
κῶς τὸ εἶναι θεὸς καὶ τὸ ἐκ θεοῦ
γεννηθῆναι πατρὶ, ἀλλὰ καὶ ἐν
προσλήψει σαρκὸς μεμενηκῶς δπερ
ἦν.

Τοῦτο πρεσβεῖ πανταχοῦ τῇ
ἀκριβοῦς πίστει ὁ λόγος· οὕτω

ipsius mortem gustavit. Ita et resur-
gente carne, ipsius rursus resur-
rectionem dicimus, non quia in cor-
ruptionem ceciderat, absit, sed quia
resurrexit corpus.

Ita Christum unum et dominum
confitemur, non tamquam hominem
cum Verbo coadorantes, ne divi-
sionis quaedam species inducatur,
sed unum iam et eundem adorantes,
quia non est alienum a Verbo cor-
pus suum, cum quo ipsi etiam ad-
sidet Patri. Nec hoc ita dicimus
quasi duobus filiis adsidentibus, sed
uno cum carne per unitatem, quia
si talem copulationem factam per
substantiam aut quasi impassibilem
aut quasi parum decoram nolueri-
mus accipere, in id incidimus ut
duos filios esse dicamus. Necesse
est enim discernere et dicere homi-
nem separatim fuisse sola filii appel-
latione honoratum et rursus Ver-
bum quod est ex Deo et nomine et
veritate Filius Dei; sed discernere
in duos filios non debemus unum
dominum Iesum Christum. Neque
enim id adiuvat rectam fidei ratio-
nem, licet nonnulli copulationem
nescio quam perhibeant persona-
rum. Non dixit enim scriptura Ver-
bum Dei personam sibi hominis
adsumpsisse, sed carnem factum
essel, id autem est ostendere Dei
Verbum similiter ac nos participa-
tum habuisse carnis et sanguinis² et
corpus nostrum proprie suum fe-
cisse et hominem ex muliere pro-
cessisse, non abiecta nec deposita
deitate aut generatione illa quam
habebat ex Patre, sed mansisse etiam
in adsumptione carnis Deum, quod
erat.

Hoc ubique rectae fidei ratio pro-
testatur; in tali sensu sanctos patres

¹ Cf. Io 1,14. ² Cf. Heb 2,14.

fallen into corruption — God forbid — but because his body had been raised again.

So we shall confess one Christ and one Lord. We do not adore the man along with the Word, so as to avoid any appearance of division by using the word “with”. But we adore him as one and the same, because the body is not other than the Word, and takes its seat with him beside the Father, again not as though there were two sons seated together but only one, united with his own flesh. If, however, we reject the hypostatic union as being either impossible or too unlovely for the Word, we fall into the fallacy of speaking of two sons. We shall have to distinguish and speak both of the man as honoured with the title of son, and of the Word of God as by nature possessing the name and reality of sonship, each in his own way. We ought not, therefore, to split into two sons the one Lord Jesus Christ. Such a way of presenting a correct account of the faith will be quite unhelpful, even though some do speak of a union of persons. For scripture does not say that the Word united the person of a man to himself, but that he became flesh¹. The Word’s becoming flesh means nothing else than that he partook of flesh and blood like us²; he made our body his own, and came forth a man from woman without casting aside his deity, or his generation from God the Father, but rather in his assumption of flesh remaining what he was.

This is the account of the true faith everywhere professed. So shall we find that

¹ See Jn 1, 14. ² See Heb 2, 14.

εὐρήσομεν τοῦ ἁγίου πεφρονηκότα
πατέρα * οὕτω τεθαρσήκασι Θεοτόκον
εἰπεῖν τήν ἁγίαν παρθένον, οὐχ ὡ
τῇ τοῦ λόγου φύσεω ἤτοι τῇ
ⲗ θεότητι αὐτοῦ τήν ἀρχήν του εἶναι
λαβούση ἐκ τῇ ἁγία παρθένου,
ἀλλ' ὡ γεννηθέντο ἐξ αὐτῇ τοῦ
ἁγίου σώματο ψυχωθέντο λογικῶ ,
ω και καθ' ὑπόστασιν ἐνωθεὶ ὁ λόγος
1· γεγεννήσθαι λέγεται κατὰ σάρκα.
Τούτα καὶ νῦν ἐξ ἀγάπῃ τῇ ἐν
Χριστῷ γράφω, παρακαλῶν ὡ ἀδελ-
φόν καὶ διαμαρτυρόμενο ἐνώπιον
τοῦ Χριστοῦ καὶ τῶν ἐκλεκτῶν
15 ἀγγέλων τούτα μεθ' ἡμῶν καὶ
φρονεῖν καὶ διδάσκειν, ἵνα σώζηται
τῶν ἐκκλησιῶν ἡ εἰρήνη καὶ τῇ
ὁμονοία καὶ ἀγάπῃ ὁ σύνδεσμος
ἀρραγὴ διαμένει τοῖ ἱερεῦσι τοῦ
μ θεοῦ.

Νεστορίου ἐπιστολὴ δευτέρα
πρὸ Κύριλλον

Τῷ εὐλαβεστάτῳ καὶ θεοσεβεστάτῳ
συλλειτουργῷ Κυρίλλῳ Νεστόριῳ ἐν
« κυρίῳ χαίρειν. Τὰ μὲν καθ' ἡμῶν
ὑβρεὶ τῶν θαυμαστῶν σου γραμμάτων
ἀφῆμι ὡ μακροθυμία ἀξία ἱατρικὴ
καὶ τῇ διὰ τῶν πραγμάτων αὐτῶν
κατὰ καιρὸν πρὸ αὐτὰ ἀποκρίσεω '
no ὁ δὲ γε σιωπὴ οὐκ ἀνέχεται, ὡ
μέγαν φέρον, εἰ σιγηθεῖ, τὸν
κίνδυνον, τούτου, καθὼς ἂν οἶός τε
ὡ, οὐ πρὸ μακρολογίαν ἀποτεϊνόμε-
νο , ποιήσασθαι πειράσομαι τήν
55 διήγησιν σύντομον, τὸν τῇ σκοτεινῇ
καὶ δυσπέπτου μακρηγορία ναυτια-
σμόν φυλαττόμενο . "Ἀρξομαι δὲ
ἀπὸ τῶν πανσόφων τῇ σῇ ἀγάτῃ
φωνῶν, αὐτὰ αὐτολεξεῖ παραθεῖ .
«0 Τίνε τοίνυν αἱ τῇ θαυμαστῇ τῶν
σῶν γραμμάτων διδασκαλία φωναί;

Ἡ ἁγία φησὶν καὶ μεγάλη σύνοδος
αὐτόν τὸν ἐκ θεοῦ πατὸρ κατὰ
45 φύσιν γεννηθέντα υἱὸν μονογενῆ, τὸν

fuisse competimus; ideo illi non
dubitarunt sanctam Virginem dicere
Theotocon, non quod Verbi natura
deitasque in sancta Virgine sumpsit
exordium, sed quod ex ea natum sit
sacrum illud corpus animatum ani-
ma rationabili, cui substantialiter
adunatum Dei Verbum carnaliter
natum esse dicitur. Haec igitur prae
caritate in Christo scribo, quaerens
tamquam fratrem et contestans co-
ram Christo et electis angelis ut hape
nobiscum et sentias simul et doceas,
ut ecclesiarum pax salva servetur et
concordiae caritatisque vinculum
indissolubile maneat sacerdotibus
Dei.

Nestorii epistula altera ad
Cyrillum

Reverentissimo et deo amicissimo
comministro Cyrillo Nestorius in
domino salutem. Iniurias quidem
quae contra nos sunt, mirandarum
tuarum litterarum dimitto, utpote
medicinali patientia dignas et per
ipsas res secundum tempus ad eas
responsione; quod vero taciturnita-
tem non patitur, quasi magnum
ferat, si taceatur, periculum, hoc
secundum quod possibile est mihi,
non ad multiloquium extensus, fa-
cere temptabo narrationem compen-
diosam, obscuri et indigestibilis
longi sermonis vomitum cavens.
Incipiam autem a sapientissimis tuae
dilectionis vocibus, ipsas isdem ser-
monibus apponens. Quae sunt igitur
ammirandae tuarum litterarum doc-
trinae voces?

Sancta inquit et magna synodus
ipsum ex deo et patre secundum
naturam genitum filium unigenitum,

the holy fathers believed. So have they dared to call the holy virgin, mother of God, not as though the nature of the Word or his godhead received the origin of their being from the holy virgin, but because there was born from her his holy body rationally ensouled, with which the Word was hypostatically united and is said to have been begotten in the flesh. These things I write out of love in Christ, exhorting you as a brother and calling upon you before Christ and the elect angels, to hold and teach these things with us, in order to preserve the peace of the churches and that the priests of God may remain in an unbroken bond of concord and love.

Second letter of Nestorius to Cyril

Nestorius sends greeting in the Lord to the most religious and reverend fellow-minister Cyril. I pass over the insults against us contained in your extraordinary letter. They will, I think, be cured by my patience and by the answer which events will offer in the course of time. On one matter, however, I cannot be silent, as silence would in that case be very dangerous. On that point, therefore, avoiding longwindedness as far as I can, I shall attempt a brief discussion and try to be as free as possible from repelling obscurity and undigestible prolixity. I shall begin from the wise utterances of your reverence, setting them down word for word. What then are the words in which your remarkable teaching finds expression?

“The holy and great synod states that the only begotten Son, begotten of God the Father according to nature, true God from true God, the light from the light,

ἐκ θεοῦ ἀληθινοῦ Θεόν ἀληθινόν, τὸ φῶς τὸ ἐχ' φῶτό, τὸν δι' οὗ τὰ πάντα πεποίηκεν ὁ πατήρ, κατελθεῖν σαρκωθῆναι ἐνανθρωπήσαι παθεῖν ἀναστῆναι.

Τούτα τη σὴ θεοσεβεία τὰ βήματα καὶ γνωρίζει. Ἰσω τὰ σὰ· ἀκουε δὲ καὶ τὰ παρ' ἡμῶν, ἀδελφικὴν ὑπὲρ εὐσεβεία παραίνεσιν καὶ ἣν ὁ μέγα ἐκεῖνα Ἰλαυλὸ τῷ φιλουμένῳ παρ' αὐτοῦ Τιμοθέῳ διεμαρτύρατο·, πρόσεχε τη ἀναγνώσει, τη παρακλήσει, τη διδαχῇ. Τοῦτο γὰρ ποιῶν καὶ σεαυτὸν σώσει καὶ τοῦ ἀκούοντά σου*¹. Τί δέ μοι τὸ πρόσεχε βούλεται; ὅτι τὴν τῶν ἁγίων ἐκείνων ἐξ ἐπιπολὴ ἀναγινώσκων παράδοσιν συγγνώμη ἀξίαν ἡγνόησα ἀγνοίαν, παθεῖν αὐτοῦ εἰρηκέναι νομίσας τὸν τῷ πατρὶ συναίδιον λόγον ἐγκυψὼν δέ, εἰ δοκεῖ, τοῖ βητοῖ ἀκριβέστερου καὶ τὸν θεῖον ἐκεῖνον τῶν πατέρων εὐρήσει χορὸν οὐ τὴν ὁμοούσιον θεότητα παθητὴν εἰρηκότα οὐδὲ πρόσφατον γεννητὴν τὴν τῷ πατρὶ συναίδιον οὐδὲ ἀναστᾶσαν τὴν τὸν λελυμένον ναὸν ἀναστήσασαν. Κάν μοι τὰ ἀκοᾶ εἰ ἀδελφικὴν ἰατρειάν παράσχη, αὐτὰ σοι τὰ τῶν ἁγίων πατέρων φωνὰ παραθέμενο τη κατ' ἐκείνων ἀπαλλὰ ὡς συκοφαντία καὶ τὴ κατὰ τῶν θεῶν γραφῶν δι' ἐκείνων.

Πιστεύω τοίνυν φασί, καὶ εἰ τὸν κύριον ἡμῶν Ἰησοῦν Χριστὸν τὸν υἱὸν αὐτοῦ τὸν μονογενῆ. Σκόπησαν ὅπως τὸ κύριο καὶ Ἰησοῦ καὶ Χριστό καὶ μονογενῆ καὶ υἱὸ πρότερον ὅντε τὰ κοινὰ τῇ θεότητι καὶ τῇ ἀνθρωπότητι ὡς θεμελίου ὀνόματα τότε τὴν τῇ ἐνανθρωπήσει καὶ τῇ ἀναστάσει καὶ τοῦ πάθους ἐποικοδομοῦσι παράδοσιν, ἵνα τῶν ὀνομάτων τῇ φύσει ἑκάτερα κοινῶν τινῶν σημαντικῶν

ex deo vero deum verum, lumen de lumine, per quem omnia fecit pater, descendisse, incarnari, humanari, pati, resurgere.

Haec sunt tuae reverentiae verba, et cognoscis forte tua; audi vero et a nobis fraternam pro pietate ammonitionem et quam magnus ille Paulus amato a se Timotheo contestatus est: *attende lectioni consolationi doctrinae. Hoc enim faciens, et te salvabis et eos qui te audiunt*¹. Quid autem mihi hoc *attende* vult? quia sanctorum illorum ex superficie legens traditionem venia dignam ignorasti ignorantiam, passibilem eos dixisse arbitratus patri consempternum verbum. Inspice, si placet, dicta diligentius, et illum divinum reperies patrum chorum non consubstantialem patri deitatem passibilem dicentes nec recentem natam patri consubstantialem nec resurgentem eam quae solutum templum suscitavit. Et si mihi aurem in fraternam medellam adhibueris, ipsas tibi sanctorum illorum patrum voces apponens a calumnia quae contra illos est, liberabo et ab illa quae contra divinas scripturas per illos est.

Credo igitur in dominum nostrum Iesum Christum filium eius unigenitum. Considera quomodo dominus et Iesus et Christus et unigenitus et filius primum ponentes, communia deitatis et humanitatis, ut fundamenta, nomina, tunc humanationis et resurrectionis et passionis superaedificant traditionem, ut nominibus naturae utriusque communibus quibusdam significativis propositis neque quae filiationis et

¹ Tm 4,13.16.

the one through whom the Father made all things, came down, became incarnate, became man, suffered, rose.”

These are the words of your reverence and you may recognise them. Now listen to what we say, which takes the form of a brotherly exhortation to piety of the type of which the great apostle Paul gave an example in addressing his beloved Timothy: “Attend to the public reading of scripture, to preaching, to teaching. For by so doing you will save both yourself and your hearers”¹. Tell me, what does “attend” mean? By reading in a superficial way the tradition of those holy men (you were guilty of a pardonable ignorance), you concluded that they said that the Word who is coeternal with the Father was passible. Please look more closely at their language and you will find out that that divine choir of fathers never said that the consubstantial godhead was capable of suffering, or that the whole being that was coeternal with the Father was recently bom, or that it rose again, seeing that it had itself been the cause of resurrection of the destroyed temple. If you apply my words as fraternal medicine, I shall set the words of the holy fathers before you and shall free them from the slander against them and through them against the holy scriptures.

“I believe”, they say, “also in our Lord Jesus Christ, his only begotten Son”. See how they first lay as foundations “Lord” and “Jesus” and “Christ” and “only begotten” and “Son”, the names which belong jointly to the divinity and humanity. Then they build on that foundation the tradition of the incarnation and resurrection and passion. In this way, by prefixing the names which are common to each nature, they intend to avoid separating expressions applicable

¹ i Tm 4, 13.16.

προκειμένων μήτε τὰ τη υἰότητι
καὶ κυριότητα τέμνηται μήτε τὰ
τῶν φύσεων ἐν τῷ τη υἰότητι
μοναδικῶ συγχύσει ἀφανισμῶ κιν-
s δυνεῦη, Τοῦτου γὰρ αὐτοῖ παιδευτῇ
ὁ Παῦλο γεγένηται, δ τη ἐναν-
θρωπήσει τῇ θείᾳ τὴν μνήμην
ποιούμενο καὶ μελλῶν τὰ του πάθους
ἐπάγειν, πρότερον θεῖ τὸ Χριστό ,
io τὸ κοινόν, ὡ μικρῶ πρότερον ἔφην,
τῶν φύσεων ὄνομα, προσάγει τὸν
λόγον ἀμφοτέραι πρεπῶδη ταῖ
φύσεσιν. Τί γὰρ φησιν; „τοῦτο
φρονεῖσθω ἐν ὑμῖν δ καὶ ἐν Χριστῷ
15 Ἰησοῦ, δ ἐν μορφῇ θεοῦ ὑπάρχων
οὐχ ἄρπαγμόν ἡγήσατο τὸ εἶναι
ἴσα θεῷ ». ἀλλ', ἵνα μὴ τὰ καθ' ἑκα-
στον λέγω, ♦ ὑπήκοο ἐγένετο μέχρι
θανάτου, θανάτου δέ σταυροῦ,,l.
20 Ἐπειδὴ γὰρ ἐμελλεν τοῦ θανάτου
μεμνήσθαι, ἵνα μὴ τὸν θεόν λόγον
ἐντεῦθεν τι παθητὸν ὑπολάβῃ, τίθησιν
τὸ Χριστό , ὡ τῇ ἀπαθoῦ καὶ
πάθητῇ οὐσία ἐν μοναδικῶ
i5 προσώπῳ προσηγορίαν σημαντικὴν,
ὅπως καὶ ἀπαθῇ ὁ Χριστό καὶ
παθητὸ ἀκινδύνῳ καλοῖτο, ἀπαθῇ
μὲν θεότητι, παθητὸ δέ τῇ τοῦ
σώματι φύσει.
30 Πολλὰ λέγειν περὶ τοῦτου δυνά-
μενο καὶ πρῶτον γε τὸ μηδὲ
γεννήσει ἐπὶ τῇ οικονομίᾳ , ἀλλ'
ἐνανθρωπήσει τοῦ αγίου ἐκείνου
μνημονεύσαι πατέρα , τὴν τῇ βρα-
35 χυλογίᾳ ἐν προοιμίῳ ὑπόσχεσιν
χαλινούσαν τὸν λόγον αισθάνομαι καὶ
πρὸ τὸ δεύτερον τῇ σῇ ἀγάπῃ
κινούσαν κεφάλαιον, ἐν ᾧ τὴν μὲν
τῶν φύσεων ἐπὶ διαιρέσιν κατὰ
io τὸν τῇ ἀνθρωπότητι καὶ θεότητα
λόγον καὶ τὴν τούτων εἰ ἐνὸ
προσώπου συνάφειαν. Καὶ τὸ τὸν
θεόν λόγον δευτέρᾳ ἐκ γυναικὸς μὴ
φάσκειν δεδεῆσθαι γεννήσει καὶ τὸ
<5 πάθους ἀδεκτὸν ὁμολογεῖν τὴν

dominationis sunt, secentur neque
ea quae naturarum sunt, in filiationis
singularitate confusionis extermina-
tione periclitentur. In hoc enim eis
eruditor Paulus factus est, qui
humanationis divinae memoriam
faciens et futurus inferre quae pas-
sionis sunt, prius ponens Christus,
commune, sicut paulo ante dixi,
naturarum nomen, infert sermonem
utrasque condecentem naturas. Quid
enim dixit? *boc sapiatur in vobis quod
et in Cbristo Iesu ; qui cum in forma dei
esset, non rapinam arbitratus est esse se
aequalem deo, sed, ne per singula
dicam oboediens factus est usque ad
mortem, mortem autem crucis.*¹ Quo-
niam enim memoriam mortis factu-
rus erat, ut ne verbum deum hinc
aliquis aestimet passibilem, ponit
Christus tamquam impassibilis et
passibilis substantiae in singulari
persona appellationem significati-
vam, quatenus et impassibilis Chri-
stus et passibilis sine periculo
vocetur, impassibilis quidem deita-
te, passibilis autem corporis natura.

Multa dicere de hoc valens et
primum quidem neque nativitatis
in dispensatione, sed humanationis
sanctos illos memoriam fecisse pa-
tres, brevis sermonis in initiis
pollicitationem sentio refrenare ser-
monem et ad secundum tuae
dilectionis movere capitulum, in
quo naturarum quidem laudabam
divisionem secundum humanitatis
et deitatis rationem et earum in
unius personae coniunctionem et
quod deus verbum secunda ex
muliere non eguisse dicitur nativi-
tate, et passionis incapabilem pro-
fiteri deitatem. Orthodoxa enim,

¹ Ph 2, 5-8.

to sonship and lordship and at the same time escape the danger of destroying the distinctive character of the natures by absorbing them into the one title of “Son”. In this Paul was their teacher who, when he remembers the divine becoming man and then wishes to introduce the suffering, first mentions “Christ”, which, as I have just said, is the common name of both natures and then adds an expression which is appropriate to both of the natures. For what does he say? “Have this mind among yourselves, which is yours in Christ Jesus, who though he was in the form of God, did not count equality with God a thing to be grasped”, and so on until, “he became obedient unto death, even death on a cross”¹. For when he was about to mention the death, to prevent anyone supposing that God the Word suffered, he says “Christ”, which is a title that expresses in one person both the impassible and the passible natures, in order that Christ might be called without impropriety both impassible and passible; impassible in godhead, passible in the nature of his body.

I could say much on this subject and first of all that those holy fathers, when they discuss the economy, speak not of the generation but of the Son becoming man. But I recall the promise of brevity that I made at the beginning and that both restrains my discourse and moves me on to the second subject of your reverence. In that I applaud your division of natures into manhood and godhead and their conjunction in one person. I also applaud your statement that God the Word needed no second generation from a woman, and your confession that the godhead is incapable of suffering. Such statements are truly orthodox and

¹ Ph 2, 5-8.

θεότητα. Ὁρθόδοξα γάρ ὡ αληθῶς
τὰ τοιαῦτα καὶ ταῖ τῶν αἱρέσεων
πασῶν περὶ τὰ δεσποτικά φύσει
ἐναντία κακοδοξίαι. Τὰ λοιπὰ δὲ εἰ-
μὲν τινα σοφίαν κεκρυμμένην ἐπήγετο
ταῖ τῶν ἀναγινωσκόντων ἀκοαῖ
ἀκατάληπτον, τῇ σὴ ἐστὶν ἀκρίβεια
εἰδέναι. ἔμοι γοῦν τὰ πρῶτα κατα-
στρέφειν ἐδόκει. Τὸν γάρ ἐν τοῖ
πρώτοι ἀπαθὴ κηρυχθέντα καὶ
δευτέρᾳ γεννήσεω ἀδεκτον πάλιν
παθητὸν καὶ νεόκτιστον οὐκ οἶδ'
δὲ εἰσῆγεν, ὡ τῶν κατὰ φύσιν
τῷ θεῷ λόγῳ προσόντων τῇ τοῦ
ναοῦ συναφείᾳ διεφθαρμένων ἢ μικροῦ
τινο τοῦ ἀνθρώπου νομιζομένου
τοῦ τὸν ἀναμάρτητον ναὸν καὶ τῇ
θείᾳ ἀχώριστον φύσεω τὴν ὑπὲρ
ἁμαρτωλῶν γέννησιν τε καὶ τελευτήν
ὑπομεῖναι ἢ πιστεῦσαι τῇ δεσποτι-
κῇ οὐκ ὀφειλοῦση φωνῇ πρὸ
Ἰουδαίου βοῶση. „λύσατε τὸν ναὸν
τούτον, καὶ ἐν τρισὶν ἡμέραις ἐγερῶ
αὐτόν,**1 οὐ" λύσατέ μου τὴν θεότητα
καὶ ἐν τρισὶν ἡμέραις ἐγερθήσεται.

Πάλιν πλατύνει κἀνταῦθα βου-
λόμενο, τῇ τῇ ἐπαγγελίᾳ ἀναστέλ-
λομαι μνήμη-ρητέον δ' οὖν δμῶ
βραχυλογία χρησάμενον. Πανταχοῦ
τῇ θείᾳ γραφῇ, ἥνικα ἀν μνήμην
τῇ δεσποτικῇ οἰκονομία ποιῆται,
γέννησι ἡμῖν καὶ πάθο οὐ τῇ
θεότητι, ἀλλὰ τῇ ἀνθρωπότητι
τοῦ Χριστοῦ παραδίδοται, ὡ κα-
λεῖσθαι κατὰ ἀκριβεστέραν προση-
γορίαν τὴν ἁγίαν παρθένον Χριστοτό-
κον, οὐ Θεοτόκον. Καὶ ἀκούε ταῦτα
τῶν εὐαγγελίων βοώντων „Βίβλο,
φησὶν, γενέσεω Ἰησοῦ Χριστοῦ υἱοῦ
Δαυὶδ υἱοῦ Ἀβραάμ.“2 Δήλον δὲ ὅτι
τοῦ Δαυὶδ υἱὸς ὁ θεὸς λόγος οὐκ ἦν.
Δέχου καὶ ἄλλην, εἰ δοκεῖ, μαρτυρίαν
„Ἰακώβ δὲ ἐγέννησε τὸν Ἰωσήφ τὸν
ἄνδρα Μαρία, ἐξ ἧς ἐγεννήθη
Ἰησοῦς ὁ λεγόμενος Χριστὸς.“3

sicut vere est, huiusmodi sunt et
haeresium omnium pravis sensibus
circa dominicas naturas contraria.
Reliqua autem, si quidem aliquam
sapientiam occultam inferebant le-
gentium auribus inconprehensibi-
lem, tuae est diligentiae scire; mihi
vero illa prima pervertere vide-
bantur. In primis enim impassibilem
praedicatum et secundae nativitatis
incapabilem iterum passibilem et in
recenti creatum nescio quomodo
intulit, quasi haec quae secundum
naturam dei verbo assunt, templi
copulatione corrupta sint aut parum
aliquid hominibus putetur quod sine
peccato templum et a divina inse-
parabile natura pro peccatoribus
nativitatem et mortem sustinuisset,
aut non credi debeat dominica vox
ad Iudaeos clamans: *solvite templum
hoc, et in tribus diebus suscitabo illud*,¹
non: solvite meam divinitatem et
in tribus diebus suscitabitur.

Rursus dilatare hic volens, a pro-
missionis memoria retrahor; dicen-
dum tamen est utenti brevi sermone.
Ubique divina scriptura, quando-
cumque memoriam facit dominicae
dispensationis, nativitatem nobis et
passionem non deitatis, sed humani-
tatis Christi tradidit, ut vocetur
secundum integram appellationem
sancta virgo Christi genetrix, non
dei genetrix. Et audi haec evangeliiis
clamantibus: *Liber, inquit, generatio-
nis Iesu Christi filii David, filii Abra-
ham*², et certum est quia David filius
deus verbum non erat. Accipe, si
placet, et aliud testimonium: *Iacob
autem genuit Ioseph virum Mariae, ex
qua natus est Iesus, qui dicitur Christus*².

¹ Io 2,19. «Mt 1,1. ³ Mt 1,16.

equally opposed to the evil opinions of all heretics about the Lord's natures. If the remainder was an attempt to introduce some hidden and incomprehensible wisdom to the ears of the readers, it is for your sharpness to decide. In my view these subsequent views seemed to subvert what came first. They suggested that he who had at the beginning been proclaimed as impassible and incapable of a second generation had somehow become capable of suffering and freshly created, as though what belonged to God the Word by nature had been destroyed by his conjunction with his temple or as though people considered it not enough that the sinless temple, which is inseparable from the divine nature, should have endured birth and death for sinners, or finally as though the Lord's voice was not deserving of credence when it cried out to the Jews: "Destroy this temple and in three days I will raise it up."¹ He did not say, "Destroy my godhead and in three days it will be raised up."

Again I should like to expand on this but am restrained by the memory of my promise. I must speak therefore but with brevity. Holy scripture, wherever it recalls the Lord's economy, speaks of the birth and suffering not of the godhead but of the humanity of Christ, so that the holy virgin is more accurately termed mother of Christ than mother of God. Hear these words that the gospels proclaim: "The book of the generation of Jesus Christ, son of David, son of Abraham."² It is clear that God the Word was not the son of David. Listen to another witness if you will: "Jacob begat Joseph, the husband of Mary, of whom was born Jesus, who is called the Christ."³ Consider a further piece of evidence:

¹ Jn 2, 19. ² Mt 1, 1. ³ Mt 1, 16.

Σκόπει πάλιν ἑτέραν ἡμᾶ διαμαρτυ-
ρομένην φωνήν „τοῦ δὲ Ἰησοῦ
Χριστοῦ ἡ γέννησι οὕτω ἦν
μνηστευθεῖση γάρ τῇ μητρὶ αὐτοῦ
s Μαρία τῷ Ἰωσήφ, εὐρέθη ἐν
γαστρὶ ἔχουσα ἐκ πνεύματος ἁγίου/1
Κτίσμα δὲ πνεύματος τί ἂν τὴν τοῦ
μονογενοῦ ὑπολάβοι θεότητα; Τί δεῖ
io Ἰησοῦ ἐκεῖ“2; Καὶ πάλιν τὸ „σὺν
Μαρία τῇ μητρὶ τοῦ Ἰησοῦ“3 καὶ
τὸ „τὸ ἐν αὐτῇ γεννηθὲν ἐκ πνεύματος
ἐστὶν ἁγίου“4 καὶ τὸ „λάβε τὸ
παιδίον καὶ τὴν μητέρα αὐτοῦ καὶ
is φεύγε εἰ Αἴγυπτον“5 καὶ τὸ „περὶ
τοῦ υἱοῦ αὐτοῦ τοῦ γενομένου ἐκ
σπέρματος Δαυὶδ κατὰ σάρκα“6 καὶ
περὶ τοῦ πάθους αὐτοῦ ὅτι „ὁ θεὸς
τὸν ἑαυτοῦ υἱὸν πέμψα ἐν ὁμοιώματι
M σαρκὸς αμαρτίας καὶ περὶ αμαρτίας
κατέκρινε τὴν αμαρτίαν ἐν τῇ σαρκὶ“7
καὶ πάλιν „Χριστὸς ἀπέθανεν ὑπὲρ
τῶν αμαρτιῶν ἡμῶν“8 καὶ „Χριστοῦ
παθόντος σαρκὶ“9 καὶ „τούτῳ ἐστὶν“,
is οὐχ ἡ θεότης μου, ἀλλὰ „τὸ σῶμα
τὸ ὑπὲρ ὑμῶν κλῶμενον.“10

Καὶ ἄλλων μυρίων φωνῶν διαμαρτυρομέ-
νων τῶν ἀνθρώπων τὸ γένο μή τὴν
30 τοῦ υἱοῦ νομίζειν θεότητα πρόσφατον
ἢ πάθους σωματικοῦ δεκτικὴν, ἀλλὰ
τὴν συνημμένην τῇ φύσει τῇ θεότητι
σάρκα (δθεν καὶ κύριον τοῦ Δαυὶδ
ἑαυτὸν ὁ Χριστὸς καὶ υἱὸν ὀνομάζει*
35 „τί γὰρ φησιν, ὑμῖν δοκεῖ περὶ τοῦ
Χριστοῦ; τίνο υἱὸς ἐστι; Λέγουσιν
αὐτῷ* τοῦ Δαυὶδ. Ἀπεκρίθη Ἰησοῦς
καὶ εἶπεν αὐτοῖς* πῶ οὖν Δαυὶδ ἐν
πνεύματι κύριον αὐτὸν καλεῖ, λέγων
40 εἶπεν ὁ κύριος τῷ κυρίῳ μου* κάθου
ἐκ δεξιῶν μου;“11 ὡς υἱὸς ὢν
πάντῳ τοῦ Δαυὶδ κατὰ σάρκα, κατὰ
δὲ τὴν θεότητα κύριος), εἶναι μὲν
οὖν τῇ τοῦ υἱοῦ θεότητι τὸ σῶμα

Considera iterum alteram adtestan-
tem nobis vocem: *lesu vero Christi*
generatio ita erat: desponsata enim
matre eius Maria Ioseph, inventa est in
*utero habens de spiritu sancto*1. Crea-
turam vero spiritus quis utique
unigeniti aestimabit deitatem? Quid
oportet dicere et quod ait quia *mater*
*lesu erat ibi*2, et rursus *cum Maria*
*matre Iesu*2, et quod *in ea natum est, ex*
*spiritu sancto est*2, et *accipe puerum et*
*matrem eius et fuge in Aegyptum** et de
filio eius qui factus est ei ex semine
*David secundum carnem*2, et de pas-
sione rursus quia *deus suum filium*
misit in similitudine carnis peccati et de
*peccato condemnavit peccatum in carne*1,
et iterum *Christus mortuus est pro*
*peccatis nostris*9, et *Christo passo in*
*carne*9, et *hoc est non deitas, sed*
*corpus meum, quod pro vobis frangitur*10,

et mille aliis vocibus protestantibus
hominum generi non filii putare
deitatem recentem aut passionis cor-
poreae capabilem, sed conjunctam
naturae deitatis carnem. Unde et
dominum David Christus semet
ipsum et filium nominat. *Quid enim,*
ait, vobis videtur de Christo? cuius est
filius? Dicunt ei: David. Respondit
Iesus et dixit eis: quomodo ergo David
in spiritu dominum eum vocat, dicens:
dixit dominus domino meo, sede a dextris
*meis?*11 utpote filius existens omnino
David secundum carnem, secundum
deitatem autem dominus. Esse enim
filii deitatis corpus templum * et
templum secundum summam quan-
dam et divinam unitum coniunctio-

1 Mtl>18.

1 Io2,1.

» Ac 1,14.

8 Mtl,20.

8 Mt2,13.

« Rm1,3.

7 Rm8,3.

8 1 Cor 15,3.

BIPt4,1.

10 1 Cor 11,24.

11 Mt 22,42-44.

"Now the birth of Jesus Christ took place in this way. When his mother Mary had been betrothed to Joseph, she was found to be with child of the holy Spirit."¹ But who would ever consider that the godhead of the only begotten was a creature of the Spirit? Why do we need to mention: "the mother of Jesus was there"²? And again what of: "with Mary the mother of Jesus"³; or "that which is conceived in her is of the holy Spirit"⁴; and "Take the child and his mother and flee to Egypt"⁵; and "concerning his Son, who was born of the seed of David according to the flesh"⁶? Again, scripture says when speaking of his passion: "God sending his own Son in the likeness of sinful flesh and for sin, he condemned sin in the flesh"⁷; and again "Christ died for our sins"⁸; and "Christ having suffered in the flesh"⁹; and "This is", not "my godhead", but "my body, broken for you"¹⁰.

Ten thousand other expressions witness to the human race that they should not think that it was the godhead of the Son that was recently killed but the flesh which was joined to the nature of the godhead. (Hence also Christ calls himself the lord and son of David: " 'What do you think of the Christ? Whose son is he?' They said to him, 'The son of David.' Jesus answered and said to them, 'How is it then that David inspired by the Spirit, calls him Lord, saying, "The Lord said to my Lord, sit at my right hand"'? 1. He said this as being indeed son of David according to the flesh, but his Lord according to his godhead.) The body therefore is the temple of the deity of the Son, a temple which is united to it in a

¹ Mt 1, 18. ² Jn 2, 1. ³ Ac 1, 14. ⁴ Mt 1, 20. ⁵ Mt 2, 13. ⁶ Rm 1, 3.
⁷ Rm 8, 3. ⁸ 1 Cor 15, 3. ⁹ 1 Pt 4, 1. ¹⁰ 1 Cor 11, 24. " Mt 22, 42-44.

ναόν καί ναόν κατ' ἄκραν τινά καί
θείαν ἡνωμένον συνάφειαν, ὡ οἰ-
κειοῦσθαι τὰ τούτου τήν τη Θεότητο
φύσιν, ὁμολογεῖσθαι καλόν καί των
εὐαγγελικῶν παραδόσεων ἅ ιον τό
δέ δὴ τῷ τη οικειότητα προστρίβειν
ὀνόματι καί τὰ τη συνημμένη
σαρκὸ ιδιότητα, γέννησιν λέγω καί
πάθο καί νέκρωσιν, ἡ πλανώμενη
ἐστίν, ἀδελφέ, καθ' "Ελληνα διάνοια
ἡ τὰ τοῦ φρενοβλαβοῦ Ἀπολιναρίου
καί Ἀρείου καί των ἄλλων νοσοῦση
αιρέσεων, μᾶλλον δέ τι κάκεινων
βαρύτερον.

Ἀνάγκη γάρ τῷ τη
οικειότητα τοῦ τοιοῦτου παρα-
συρομένου ὀνόματι καί γαλακτο-
τροφία κοινωνόν διὰ τήν οικειότητα
τόν θεόν λόγον ποιεῖν καί τη κατὰ
μικρόν αὐ ἡσεω μέτοχον καί τη ἐν
τῷ τοῦ πάθου καιρῷ δειλία καί
βοήθεια ἀγγελικὴ ἐνδεά. Καί σιωπῶ
περιτομήν καί Οὐσίαν καί Ἰδρώτα
καί πείναν, ἃ τη σαρκὶ μὲν ὡ δι-
ημὰ συμβάντα προσκυνητὰ προσα-
πτόμενα, ἐπὶ δέ τη Θεότητο ταῦτα
καί ψευδῆ λαμβανόμενα καί ἡμῖν ὡ
συκοφάνται δικαία κατακρίσεω
αἰτία.

Αὐταὶ τῶν ἀγίων πατέρων αἱ
παραδόσεις· ταῦτα τῶν θείων γραφῶν
τὰ παραγγέλματα· οὕτω τι καί τὰ
τῇ φιланθρωπία τῇ θείᾳ καί τὰ
τῇ αὐθεντία θεολογεῖ" „ταῦτα μελέ-
τα· ἐν τούτοις ἴσθι, ἵνα σοῦ ἡ προκοπὴ
φανερὰ ἢ πᾶσιν¹, ὁ Παῦλος προ-
πάντα φησίν. Τῇ δέ γε τῶν
σκανδαλιζομένων φροντίδα καλῶ
μὲν ποιεῖ ἀντεχόμενον καί χάριτι τη
τῶν θείων μεριμνητικῇ σου ψυχῇ καί
τῶν παρ' ἡμῖν φροντιζούσῃ· γίνωσκε
δὲ πεπλανημένον σαυτὸν ὑπὸ τῶν
ἐνταῦθα παρὰ τῇ ἁγίᾳ συνόδου καθη-
ρημένων, ὡ τὰ Μανιχαίων φρονούν-
των, ἡ τῶν τῇ σὴ ἴσω διαθέσεω

nem, quatenus propria clueat quae
eius sunt, divina natura, confiteri
bonum est et dignum evangelica-
rum traditionum; nomini vero pro-
priificationis carnis atterere etiam
carnis proprietates, nativitatem dico
et passionem et mortem, aut errantis
est secundum paganos, frater, intel-
legentiae aut laesae mentis Apolli-
narii et Arrii et quae sunt aliarum
aegrotantium haereseon, magis vero
et illis aliquid gravius.

Necesse est
enim proprietatis huiusmodi subin-
de tractos nomine et lactis nutri-
menti socium propter proprietatem
deum verbum facere et paulatim
incrementi participem et in tempore
passionis pavoris etiam et auxilio
angelorum eguisse. Et taceo circum-
cisionem et sacrificium et sudores
et esuritionem, quae carni quidem
coaptata adoranda sunt quippe quae
propter nos evenerunt, in deitate
vero haec et mendacia sunt, cum
suscipiuntur, et nobis ut calumnia-
toribus condemnationis iustae causa.

Haec sunt sanctorum patrum
traditiones, haec divinarum scrip-
turarum praecepta; sic aliquis et
quae sunt misericordiae divinae et
quae sunt auctoritatis, deifice loqui-
tur; *haec meditare, in bis esto, ut tuus
profectus manifestus sit omnibus*¹, Pau-
lus ad omnes dicit. Quod vero pro
scandalizatis curam geris, bene
quidem facis esse sollicitus et gratia
sit divinorum curam gerenti animae
tuae et pro his quoque qui apud nos
sunt, sollicitae; cognosce autem
deceptum esse temet ipsum ab eis
qui hic a sancta synodo depositi
sunt utpote quae sunt Manichae-

¹ 1 Tm 4,15.

high and divine conjunction, so that the divine nature accepts what belongs to the body as its own. Such a confession is noble and worthy of the gospel traditions. But to use the expression “accept as its own” as a way of diminishing the properties of the conjoined flesh, birth, suffering and entombment, is a mark of those whose minds are led astray, my brother, by Greek thinking or are sick with the lunacy of Apollinarius and Arius or the other heresies or rather something more serious than these.

For it is necessary for such as are attracted by the name “propriety” to make God the Word share, because of this same propriety, in being fed on milk, in gradual growth, in terror at the time of his passion and in need of angelical assistance. I make no mention of circumcision and sacrifice and sweat and hunger, which all belong to the flesh and are adorable as having taken place for our sake. But it would be false to apply such ideas to the deity and would involve us in just accusation because of our calumny.

These are the traditions of the holy fathers. These are the precepts of the holy scriptures. In this way does someone write in a godly way about the divine mercy and power, “Practise these duties, devote yourself to them, so that all may see your progress”¹. This is what Paul says to all. The care you take in labouring for those who have been scandalised is well taken and we are grateful to you both for the thought you devote to things divine and for the concern you have even for those who live here. But you should realise that you have been misled either by some here who have been deposed by the holy synod for Manichaeism or by clergy of your own persuasion. In fact the church daily

¹ 1 Tm 4, 15.

κληρικών. Τὰ γὰρ τη ἐκκλησία
καθ' ἐκάστην προκύπτει καὶ τὰ τῶν
λαῶν ἐν ἐπιδόσει διὰ τὴν του Χριστοῦ
χάριν τοσαύτη, ὥς τὰ του προφήτου
s τοῦ βλέποντα τὰ πλήθη βοᾶν
„πλησθήσεται ἡ γῆ τοῦ γνῶναι τὸν
κύριον ὥς ὕδωρ πολὺ κατακαλύψαι
θαλάσσαν ¹*.1 Τὰ τε τῶν βασιλέων ἐν
ὑπερβαλλούσῃ χαρὰ πεφωτισμένου
io τοῦ δόγματο, καὶ ἵνα συνελὼν ἐπι-
στείλω, ἐκείνην ἐπὶ ταῖ θεομάχοι
ἀπάσαι αιρέσεσιν καὶ τῇ τῇ εκ-
κλησία ὀρθοδοξία καθ' ἐκάστην εὐροι
τι ἀν παρ* ἡμῖν τὴν φωνὴν πλη-
15 ρουμένην „ὁ οἶκο Σαουλ ἐπορεύετο
καὶ ἡσθένει καὶ ὁ οἶκο Δαυὶδ
ἐπορεύετο καὶ ἐκραταιοῦτο.“²

Ταῦτα τὰ παρ' ἡμῶν ὡς ἀδελφῶν
io πρὸ ἀδελφὸν συμβουλευόμενα· „εἰ δέ
τι φιλονεικεῖ“, κεκράξεται καὶ δι'
ἡμῶν πρὸ τὸν τοιοῦτον ὁ Παῦλος
„ἡμεῖς τοιαύτην συνήθειαν οὐκ ἔχομεν
οὐδέ αἱ ἐκκλησίαι τοῦ θεοῦ.“³ Πάσαν
« τὴν σὺν σοὶ ἐν Χριστῷ ἀδελφότητα
ἐγὼ τε καὶ οἱ σὺν ἐμοὶ πλεῖστα
προσαγορευόμεν. Ἐρρωμένο ὑπε-
ρευχόμενο ἡμῶν διατελοῖς, δέσποτα
τιμιώτατε καὶ θεοσεβέστατε.

orum, sapientes, aut forsan a clericis
qui sunt tuae caritatis. Quae sunt
enim ecclesiae, cottidie proficiunt et
quae populorum, in augmento per
gratiam Christi sunt tanto, ut viden-
tes multitudines ea quae sunt
prophetae, clament: *implebitur terra
ad cognoscendum dominum quasi aqua
multa coperire maria*¹. Ea vero quae
attinent ad imperantes, in super-
eminenti laetitia sunt illuminato
dogmate, et ut colligens scribam,
illam in omnibus haeresibus quae
contra deum reluctantur, et ecclesiae
rectis dogmatibus cottidie quis
repperiet apud nos vocem impleri:
*domus Saul ibat et infirmabatur, et
domus David ibat et firmabatur*².

Haec a nobis utpote fratribus ad
fratrem suasionem sunt; *si vero aliquis
contendit*, praeconabitur et per nos
ad huiusmodi Paulus: *nos talem
consuetudinem non habemus nec ecclesiae
dei*³. Omnem quae tecum est in
Christo fraternitatem et ego et qui
mecum sunt, plurimum salutamus.
Incolumis orans pro nobis per-
maneas, domine honoratissime et
deocolentissime.

so Επιστολή Κυρίλλου πρὸ
 Νεστόριον τρίτη⁴

Cyrilli epistula tertia ad
Nestorium⁴

Πιστεύομεν εἰ ἓνα θεόν...⁵

Credimus in unum Deum...⁵

Επόμενοι δὲ πανταχὲ ταῖ τῶν
αγίων πατέρων ὁμολογίαὶ αἱ πεποι-
35 ηνται λαλοῦντο ἐν αὐτοῖ τοῦ αγίου
πνεύματος, καὶ τῶν ἐν αὐτοῖ ἐννοιῶν
ἰχνηλατοῦντες τὸν σκοπὸν καὶ βασιλι-
κὴν ὡς περ ἐρχόμενοι τρίβον, φάμεν
ὅτι αὐτὸ ὁ μονογενὴς τοῦ θεοῦ λόγος
40 ὁ ἐξ αὐτῆ γεννηθεὶς τῇ οὐσίᾳ τοῦ
πατρὸς, ὁ ἐκ θεοῦ ἀληθινοῦ θεὸς
ἀληθινὸς, τὸ φῶς τὸ ἐκ τοῦ φωτός, ὁ

Sequentes itaque per omnia sanc-
torum martyrum confessiones, quas
loquente in eis sancto Spiritu pro-
tulerunt, et intentioni quae est in
eorum intellectibus, aequis vestigiis
inhaerentes atque iter ambulantes
regium, profitemur quod ipsum uni-
genitum Dei Verbum, Deum natum
ex ipsa Patris essentia, de Deo vero
Deus verus, lumen de lumine, per

¹ Is 11,9. ³ 2 Rg 3,1. ³ 1 Cor 11,16.'

¹ Omittitur hic epistolae praefatio. ⁵ Symbolum Nicaenum (v. supra p. 5).

progresses here and through the grace of Christ there is such an increase among the people that those who behold it cry out with the words of the prophet, “The earth will be filled with the knowledge of the Lord as the water covers the sea”¹. As for our sovereigns, they are in great joy as the light of doctrine is spread abroad and, to be brief, because of the state of all the heresies that fight against God and of the orthodoxy of the church, one might find that verse fulfilled, “The house of Saul grew weaker and weaker and the house of David grew stronger and stronger”².

This is our advice from a brother to a brother. “If anyone is disposed to be contentious”, Paul will cry out through us to such a one, “we recognize no other practice, neither do the churches of God”³. I and those with me greet all the brotherhood with you in Christ. May you remain strong and continue praying for us, most honoured and reverent lord.

Third letter of Cyril to Nestorius⁴

We believe in one God...⁵

Following in all points the confessions of the holy fathers, which they made with the holy Spirit speaking in them, and following the direction of their opinions and going as it -were in the royal way, we say that the only-begotten Word of God, who was begotten from the very essence of the Father, true God from true God, the light from the light and the one through whom all things in heaven and

¹ Is 11, 9. ² 2 Kg 3, 1. ³ 1 Cor 11, 16.

⁴ We omit the preface of the letter. ⁵ Nicene creed (see above p. 5).

δι' ου τὰ πάντα ἐγένετο τὰ τε ἐν τῷ οὐρανῷ καὶ τὰ ἐν τῇ γῇ, τῇ ἡμετέρᾳ ἐνεκα σωτηρία κατελθὼν καὶ καθεὶ ἑαυτὸν εἰ κένωσιν ἐσαρκώθη τε καὶ ἐνὴνθρωπησε, τουτέστι σάρκα λαβὼν ἐκ τῆ ἁγίας παρθένου καὶ ἰδίαν αὐτὴν ποιησάμενο, ἐκ μήτρα τὴν καθ' ἡμᾶς ὑπέμεινε γέννησιν καὶ προήλθεν ἰὼνθρωπο ἐκ γυναικὸς, οὐχ ὅπερ ἦν ἀποβεβληκῶς, ἀλλ' εἰ καὶ γέγονεν ἐν προσλήψει σαρκὸς καὶ αἵματος, καὶ οὕτω μεμενηκῶς ὅπερ ἦν, θεὸς δηλονότι φύσει τε καὶ ἀληθείᾳ. Οὐτε δὲ τὴν σάρκα φαμέν εἰ θεότητα τραπήναι φύσιν, οὐτε μὴν εἰ φύσιν σαρκὸς τὴν ἀπόρρητον τοῦ θεοῦ λόγου παρενεχθῆναι φύσιν ἀτρεπτο γὰρ ἐστὶ καὶ ἀναλλοίωτο παντελῶς ὁ αὐτὸς αἰετῶν κατὰ τὰ γράφα¹, δρώμενο δὲ καὶ βρέφο καὶ ἐν σπαργάνοις ὧν ἐτι καὶ ἐν κόλπῳ τῇ τεκοῦσῃ παρθένῳ πᾶσαν ἐπλήρου τὴν κτίσιν ὡς θεὸς καὶ σύνοδος ἦν τῷ γεγεννηκότι² το γὰρ θεῖον ἀποσοντέ ἐστὶ καὶ ἀμέγεθες καὶ περιορισμῶν οὐκ ἀνέχεται. Τινώσθαι γε μὴν σαρκὶ καθ' ὑπόστασιν ὁμολογοῦντες τὸν λόγον, ἓνα προσκυνοῦμεν υἱὸν καὶ κύριον Ἰησοῦν Χριστόν, οὐτε ἀνά μέρος τιθέντες καὶ διορίζοντες ἄνθρωπον καὶ θεόν ὡς συνημμένους ἀλλήλοις τῇ τῇ ἀξίᾳ καὶ αὐθεντίᾳ ἐνόηται, (κενοφωνία γὰρ τοῦτο καὶ ἕτερον οὐδέν), οὐτε μὴν Χριστόν ἰδικῶς ὀνομάζοντες τὸν ἐκ θεοῦ λόγον καὶ ὁμοίῳ ἰδικῶς Χριστόν ἕτερον τὸν ἐκ γυναικὸς, ἀλλ' ἓνα μόνον εἰδότες Χριστόν τὸν ἐκ θεοῦ πατρός λόγον μετὰ τῇ ἰδίᾳ σαρκὶ. τότε γὰρ ἀνθρωπίνῳ κέχρισται μεθ' ἡμῶν, καίτοι τοῖς ἁγίοις τοῦ λαβεῖν τὸ πνεῦμα διδοῦς αὐτὸ καὶ οὐκ ἐκ μέτρου², καθά, φησιν ὁ μακάριος εὐαγγελιστὴς Ἰωάννης. Ἀλλ' οὐδ' ἐκεῖνο φαμέν ὅτι κατώκη-

quem omnia facta sunt sive in caelis sive in terra, salutis nostrae causa descendens ad exinanitionem sese dignatus est inclinare, incarnatus autem et homo factus, id est carnem s de Virgine sancta suscipiens eamque propriam faciens, nativitatem nostram ex vulva sustinuit, homo de muliere procedens, nec quod erat, io abiciens, nam licet factus sit in assumptione carnis et sanguinis, tamen etiam sic quod erat, Deus natura scilicet et veritate persistens. Nec carnem itaque dicimus in naturam deitatis esse conversam nec is in substantiam carnis ineffabilem Dei Verbi essentiam conmutatam, inconvertibilis etenim est et inconvertibilis idemque ipse iuxta scripturas¹ iugiter permanens. Visus est 20 autem et parvulus, sed positus adhuc in cunabulis et in sinibus generatricis Virginis constitutus universam creaturam replebat, ut Deus genitori suo indivisus existens; quod 25 divinum est enim, sine quantitate et sine mole cognoscitur nec ullis terminis continetur. Unitum ergo carni Verbum Dei secundum subsistentiam confitentes, unum adoramus Filium et dominum Iesum Christum, non seorsum ponentes et determinantes hominem et Deum velut invicem sibi dignitatis et auctoritatis unitate coniunctos (hoc 35 enim novitas vocis est et aliud nihil) nec item Christum specialiter nominantes Deum Verbum quod ex Deo est, nec alterum similiter Christum specialiter qui de muliere natus est, 40 sed unum solummodo Christum Dei Patris Verbum cum propria carne cognoscimus. Tunc enim etiam iuxta nos unctus est, quamvis Spiritum dignis ipse contulerit et non ad 45

¹ Cf. MI 3, 6. ² α. Io 3, 34.

earth were made, for our salvation came down and emptying himself he became incarnate and was made man. This means that he took flesh from the holy virgin and made it his own, undergoing a birth like ours from her womb and coming forth a man from a woman. He did not cast aside what he was, but although he assumed flesh and blood, he remained what he was, God in nature and truth. We do not say that his flesh was turned into the nature of the godhead or that the unspeakable Word of God was changed into the nature of the flesh. For he (the Word) is unalterable and absolutely unchangeable and remains always the same as the scriptures say¹. For although visible as a child and in swaddling cloths, even while he was in the bosom of the virgin that bore him, as God he filled the whole of creation and was fellow ruler with him who begot him. For the divine is without quantity and dimension and cannot be subject to circumscription.

We confess the Word to have been made one with the flesh hypostatically, and we adore one Son and Lord, Jesus Christ. We do not divide him into parts and separate man and God in him, as though the two natures were mutually united only through a unity of dignity and authority; that would be an empty expression and nothing more. Nor do we give the name Christ in one sense to the Word of God and in another to him who was born of woman, but we know only one Christ, the Word from God the Father with his own flesh. As man he was anointed with us, even though he himself gives the Spirit to those who are worthy to receive it and not in measure, as the blessed evangelist John says'.

¹ See MI 3, 6. ² See Jn 3, 34.

σεν δ' ἐκ θεοῦ λόγο ὡ ἐν ἀνθρώπῳ
κοινῶ τῷ ἐκ τη ἁγία παρθένου
γεγεννημένῳ, ἵνα μή Θεοφόρο ἀνθρώ-
πο νοοῖτο Χριστόν¹· εἰ γὰρ καὶ
s ἐσκήνωσεν ἐν ἡμῖν ὁ λόγος², εἴρηται
δὲ καὶ ἐν Χριστῷ κατοικησαι ἅπαν τὸ
πλήρωμα τη θεότητι σωματικῶς³,
ἀλλ' οὐδὲν ἐννοοῦμεν ὅτι γενόμενον
σὰρξ, οὐχ ὡς περ ἐν τοῖς ἁγίοις
io κατοικησαι λέγεται, κατὰ τὸν ἴσον
καὶ ἐν αὐτῷ τρόπον γενέσθαι διορι-
ζόμεθα τὴν κατοίκησιν⁴· ἀλλ' ἐνωθεὶ
κατὰ φύσιν καὶ οὐκ εἰ σὰρκα τραπεῖ,
τοιαύτην ἐποίησατο τὴν κατοίκησιν,
η ἣν ἂν ἔχειν λέγοιτο καὶ ἡ τοῦ ἀνθρώ-
που ψυχὴ πρὸς τὸ ἴδιον ἑαυτῇ σῶμα.
Εἰ οὖν ἄρα Χριστόν καὶ υἱὸν καὶ
κύριον, οὐχ ὡς συνάφειαν ἀπλῶς τὴν
ὡ ἐν ἐνότητι τῇ ἀξία ἢ γοῦν
20 αὐθεντία ἔχοντα ἀνθρώπου πρὸς
θεὸν οὐ γὰρ ἐνοῖ τὰ φύσει [ἡ] ἰσο-
τιμία⁵· καὶ γοῦν Πέτρος τε καὶ Ἰωάν-
νης ἰσότιμοι μὲν ἀλλήλοις καθὼς καὶ
ἀπόστολοι καὶ ἅγιοι μαθηταί, πλήν
25 οὐχ εἰ οἱ δύο. Οὐτε μὲν κατὰ παρά-
θεσιν τὸν τῇ συνάφειαν νοοῦμεν
τρόπον (οὐκ ἀπόχρη γὰρ τοῦτο
προ ἐνωσιν φυσικὴν), οὐτε μὲν ὡ
κατὰ μέθεξιν σχετικὴν, ὡ καὶ
30 ἡμεῖς κολλώμενοι τῷ κυρίῳ κατὰ
τὸ γεγραμμένον ἐν πνεύμα ἐσμέν
πρὸς αὐτόν⁶, μᾶλλον δὲ τὸ τῇ
συνάφειαν ὄνομα παραιτούμεθα ὡ
οὐκ ἔχον ἱκανῶς σημεῖναι τὴν ἐνωσιν.
« Ἀλλ' οὐδέ θεὸν ἢ δεσπότην τοῦ
Χριστοῦ τὸν ἐκ θεοῦ πατρὸς λόγον
ὀνομάζομεν, ἵνα μή πάλιν αναφανδὸν
τέμνωμεν εἰς δύο τὸν εὐαγγελιστὸν
καὶ υἱὸν καὶ κύριον, καὶ δυσφημία
10 ἐγκλήματι περιπέσωμεν, θεὸν ἑαυτοῦ
καὶ δεσπότην ποιοῦντες αὐτόν ἐνωθεὶ
γὰρ, ὡς ἤδη προείπομεν, ὁ τοῦ θεοῦ
λόγος σαρκὶ καθ' ὑπόστασιν, θεὸς μὲν
ἐστὶ τῶν ὁλῶν, δεσπόζει δὲ τοῦ παν-
*5 τὸς, οὐτε δὲ αὐτὸ ἑαυτοῦ δοῦλό ἐστιν

mensuram, sicut beatus evangelista
ioannes adseruit¹. Sed nec illud
dicimus quod Dei Verbum velut in
homine communi, qui de sancta
Virgine natus est, habitat, ne Deum
homo Christus habitatorem possi-
dere credatur. Quamvis enim *Ver-
bum habitaverit in nobis*² et dictum
sit *in Christo habitare omnem ple-
nitudinem deitatis corporaliter*³, at-
tamen intellegimus eum quod caro
factus, non sicut in sanctis habitare
dicatur, nec talem in ipso habita-
tionem factam definire temptavi-
mus; sed unitus iuxta naturam nec
in carnem penitus commutatus, ta-
lem sibi fecit habitationem qualem
et anima hominis habere creditur
ad proprium corpus. Unus igitur
est Christus Filius et dominus, non
velut coniunctionem quamlibet, ut
in unitate dignitatis et auctoritatis,
hominis habentis ad Deum; non
enim potest unire naturas sola di-
gnitatis aequalitas. Denique Petrus
et ioannes aequalis sunt alterutrum
dignitatis, propter quod et apostoli
et sancti discipuli esse monstrantur;
verumtamen uterque non unus est.
Nec iuxta conlationem vel conne-
xionem modum coniunctionis ad-
vertimus (hoc enim ad unitatem non
sufficit naturalem) nec secundum
participationis affectum, sicut nos
etiam adhaerentes Domino unus
cum eo spiritus sumus⁴, immo po-
tius coniunctionis nomen evitamus,
tamquam non existens idoneum
quod significet unitatis arcanum.
Sed neque Deum aut dominum
Christi Verbum Dei Patris adseri-
mus, ne iterum manifestius in duo
dividamus unum Christum Filium
et dominum et in crimen sacrilegii
recidamus, Deum illi se ipsum

1 Cf. Io 3, 34.

2 Io 1, 14.

3 Col 2, 9.

« Cf. 1 Cor 6, 17.

But we do not say that the Word of God dwelt as in an ordinary man born of the holy virgin, in order that Christ may not be thought of as a God-bearing man. For even though "the Word dwelt among us"², and it is also said that in Christ dwelt "all the fulness of the godhead bodily"³, we understand that, having become flesh, the manner of his indwelling is not defined in the same way as he is said to dwell among the saints, he was united by nature and not turned into flesh and he made his indwelling in such a way as we may say that the soul of man does in his own body.

There is therefore one Christ and Son and Lord, but not with the sort of conjunction that a man might have with God as unity of dignity or authority. Equality of honour by itself is unable to united natures. For Peter and John were equal in honour to each other, being both of them apostles and holy disciples, but they were two, not one. Neither do we understand the manner of conjunction to be one of juxtaposition for this is not enough for natural union. Nor yet is it a question of relative participation, as we ourselves, being united to the Lord, are as it is written in the words of scripture "one spirit with him"⁴. Rather do we deprecate the term "conjunction" as being inadequate to express the idea of union. Nor do we call the Word from God the Father, the God or Lord of Christ. To speak in that way would appear to split into two the one Christ and Son and Lord and we might in this way fall under the charge of blasphemy, making him the God and Lord of himself. For, as we have already said, the Word of God was united hypostatically with the flesh and is God of all and Lord of the universe, but is neither his own slave or master. For it is foolish or rather

² Jn 1, 14. ³ Col 2, 9. ⁴ See 1 Cor 6, 17.

οὔτε δεσπότη ' εὐηθε γάρ, μάλλον
 δέ ἤδη καὶ δ'χτσεβέτ τὸ οὕτω φρονεῖν
 ἢ λέγειν ἔφη μὲν γάρ θεὸν ἑαυτοῦ
 τὸν πατέρα¹, καίτοι θεὸς ὢν φύ-
 σε. καὶ ἐκ τῆ οὐσίας αὐτοῦ' ἀλλ' οὐκ
 ἠγνοήκαμεν διὰ μετὰ τοῦ εἶναι θεὸν
 καὶ ἄνθρωπον γέγονεν ὑπὸ Θεῷ κατὰ
 γε τὸν πρέποντα νόμον τῇ τῇ ἀνθρω-
 πότητα φύσει' αὐτὸ δὲ ἑαυτοῦ
 πῶς ἂν γένοιτο θεὸς ἢ δεσπότη ;
 Οὐκοῦν ὡς ἄνθρωπος καὶ ὅσον ἤκεν
 ζῆε γε τὸ πρέπον τοῖς τῇ κενώσεως
 μέτροις, ὑπὸ Θεῷ μεθ' ἡμῶν ἑαυτὸν
 εἶναι φησιν οὕτω γέγονε καὶ ὑπὸ
 νόμον², καίτοι λαλήσα αὐτὸ τὸν
 νόμον καὶ νομοθέτη ὑπαρχῶν ὡς
 θεός. Παραιτούμεθα δὲ λέγειν ἐπὶ
 Χριστοῦ 'διὰ τὸν φοροῦντα καὶ τὸν
 φορούμενον σέβω' διὰ τὸν ἀόρατον
 προσκυνῶ τὸν ὁρώμενον'. Φρικτὸν δὲ
 πρὸ τούτου κάκεῖνο εἰπεῖν 'ὁ ληφθεὶς
 τῇ λαβόντι συγχρηματίζει θεός'. ὁ
 γὰρ ταῦτα λέγων διατέμνει πάλιν εἰς
 δύο Χριστοῦ καὶ ἀνθρώπου ἰστησιν
 ἀνά μέρος ἰδικῶς καὶ θεὸν ὁμοίως
 ἀρνεῖται γὰρ ὁμολογουμένως τὴν
 ἑνῶσιν, καθ' ἣν οὐχ ὡς ἕτερο ἑτέρῳ
 συμπροσκυνεῖται τι οὔτε μὴν συγ-
 χρηματίζει θεός, ἀλλ' εἰ νοεῖται
 Χριστὸς Ἰησοῦς υἱὸς μονογενῆ,
 μία προσκυνῆσει τιμώμενο μετὰ τῇ
 ἰδίᾳ σαρκὶ. Ὁμολογοῦμεν δὲ διὰ
 αὐτὸ ὁ ἐκ Θεοῦ πατρὸς γεννηθεὶς υἱὸς
 μονογενῆς, καίτοι κατὰ φύσιν ἰδίαν
 ὑπαρχῶν ἀπαθὴς, σαρκὶ πέπονθεν
 ὑπὲρ ἡμῶν³ κατὰ τὰ γραφὰ καὶ ἦν
 ἐν τῷ σταυρωθέντι σώματι, τὰ τῇ
 ἰδίᾳ σαρκὶ ἀπαθὴς οἰκειούμενο
 πάθη 'χάριτι δὲ Θεοῦ καὶ ὑπὲρ πάντων
 ἐγεύσατο θανάτου'*, διδοὺς αὐτῷ
 τὸ ἰδίον σῶμα, καίτοι κατὰ φύσιν
 ὑπαρχῶν ζωῆς καὶ αὐτὸς ὢν ἢ
 ἀνάστασις· ἵνα γὰρ ἀρρήτῳ δυνάμει
 πατήσῃ τὸν θάνατον ὡς ἐν γε δὴ

facientes et dominum. Unitus quip-
 pe, sicut superius diximus, Deus
 Verbum carni secundum subsisten-
 tiam, Deus quidem est omnium et
 dominatur universitati, verumtamen
 nec servus est sibi ipse nec dominus,
 quia ineptum est vel potius impium
 hoc sentire vel dicere. Quamvis
 enim Deum suum Patrem dixerit*,
 cum Deus sit etiam ipse natura et de
 illius essentia, tamen nullatenus
 ignoramus quod manens Deus, ho-
 mo quoque factus sit, qui sub Deo
 iuxta debitam legem naturae huma-
 nitatis exsisteret. Ipse vero sibi quo-
 modo vel Deus poterit esse vel
 dominus? Ergo sicut homo quan-
 tum decenter exinanitionis mensurae
 congruit, sub Deo se nobiscum esse
 disseruit. Hoc etiam modo sub lege
 factus est², quamvis ipse promul-
 gaverit legem et legislator ut Deus
 exstiterit. Cavemus autem de Christo
 dicere „propter adsumptam vene-
 ror adsumptum et propter invisibilem
 adoro visibilem". Horrendum
 vero super hoc etiam illud adicere
 „is qui susceptus est cum eo qui
 suscepit, connuncupatur Deus“. Qui
 enim haec dicit, dividit iterum in
 duos Christos eum qui unus est,
 hominem seorsum in parte et Deum
 similiter in parte constituens. Evi-
 denter enim dividit unitatem, secun-
 dum quam non alter cum altero
 coadoratur, aut connuncupatur De-
 us, sed unus intellegitur Christus
 Iesus Filius Dei unigenitus, una
 servitute cum propria carne vene-
 randus. Confitemur etiam quod
 idem ipse qui ex Deo Patre natus
 est Filius unigenitus Deus, licet
 iuxta naturam suam expers passio-
 nis exstiterit, pro nobis tamen secun-

1 Cf. Io 20,17.

1 Cf. Gal 4, 4.

3 Cf. 1 Pt 4,1.

< Heb 2,9.

3 Cf. Io 11, 25.

impious to think or to speak in this way. It is true that he called the Father “God”¹ even though he was himself God by nature and of his being; we are not ignorant of the fact that at the same time as he was God he also became man, and so was subject to God according to the law that is suitable to the nature of manhood. But how should he become God or Lord of himself? Consequently as man and as far as it was fitting for him within the limits of his self-emptying, it is said that he was subject to God like ourselves. So he came to be under the law² while at the same time himself speaking the law and being a lawgiver like God.

When speaking of Christ we avoid the expression: “I worship him who is carried because of the one who carries him; because of him who is unseen, I worship the one who is seen.” It is shocking to say in this connexion: “The assumed shares the name of God with him who assumes.” To speak in this way once again divides into two Christs and puts the man separately by himself and God likewise by himself. This saying denies openly the union, according to which one is not worshipped alongside the other, nor do both share in the title “God”, but Jesus Christ is considered as one, the only begotten Son, honoured with one worship, together with his own flesh.

We also confess that the only begotten Son born of God the Father, although according to his own nature he was not subject to suffering, suffered in the flesh for us according to the scriptures³, and was in his crucified body, and without himself suffering made his own the sufferings of his own flesh, for “by the grace of God he tasted death for all”⁴. For that purpose he gave his own body to death, though he was by nature life³ and the resurrection, in order that, having trodden down death by his own unspeakable power, he might first in his own flesh

¹ See Jn 20, 17. ² See Gal 4, 4. ³ See 1 Pt 4, 1. ⁴ Heb 2, 9. ⁵ See Jn II, 25.

πρώτη τη ίδια σαρκί γένηται πρωτό-
τοκο ἐκ νεκρῶν⁴ καὶ ἀπαρχὴ τῶν
κεκοιμημένων⁵, ὁδοποιήση τε τη
ανθρώπου φύσει τὴν εἰ ἀφθαρσίαν
ἀναδρομήν, χάριτι θεοῦ, καθάπερ
ἐφημεν ἄρτιω, ὑπὲρ παντὸς ἐγεύσατο
θανάτου, τριήμερόν τε ἀνεβίω σκυ-
λεύσα τὸν ἄδην ὥστε καν λέγεται
δι' ἀνθρώπου γενέσθαι ἢ ἀνάστασι
10 τῶν νεκρῶν*, ἀλλὰ νοοῦμεν ἄνθρωπον
τὸν ἐκ θεοῦ γεγονότα λόγον καὶ
λελύσθαι δι' αὐτοῦ τοῦ θανάτου τὸ
κράτος· ἡξεῖ δὲ κατὰ καιροῦ ὡς
εἰ υἱὸς καὶ κύριος ἐν τῇ δόξῃ τοῦ
15 πατρὸς, ἵνα κρίνῃ τὴν οἰκουμένην ἐν
δικαιοσύνῃ⁷, καθὰ γέγραπται.

bominem facta sit *resurrectio mortuorum**, tamen intellegimus hominem
factum Verbum quod ex Deo est, et per ipsum mortis imperium fuisse
•0 destructum; veniet autem temporibus praefinitis, sicut est unus Filius et
dominus, in gloria Patris, ut iudicet orbem terrarum in aequitate, sicut
scriptura testatur⁷.

Ἀναγκαιῶς δὲ κακεῖνο προσθήσο-
μεν· καταγγέλλοντα γὰρ τὸν κατὰ
σάρκα θάνατον τοῦ μονογενοῦς υἱοῦ
τοῦ θεοῦ, τουτέστιν Ἰησοῦ Χριστοῦ,
τὴν τε ἐκ νεκρῶν ἀναβίωσιν καὶ τὴν
εἰ οὐρανοῦ ἀνάληψιν ὁμολογοῦντες,
τὴν ἀναίμακτον ἐν ταῖς ἐκκλησίαις
30 τελοῦμεν λατρείαν, πρόσμιμέν τε οὕτω
ταῖς μυστικοῦς εὐλογίαις καὶ ἁγιαζό-
μεθα, μέτοχοι γινόμενοι τῇ τε ἁγίᾳ
σαρκὶ καὶ τοῦ τιμίου αἵματος τοῦ
πάντων ἡμῶν σωτήρος Χριστοῦ, καὶ
35 οὐχ ὡς σάρκα κοινὴν δεχόμενοι, μὴ
γένοιτο, οὔτε μὴν ὡς ἄνδρὸς ἡγιασμέ-
νου καὶ συναφθεντο τῷ λόγῳ κατὰ
τὴν ἐνότητά τῇ ἀξίᾳ ἢ γοῦν ὡς θεῖαν
ἐνοίκησιν ἐσχηκότο, ἀλλ' ὡς ζωοποι-
40 ὦν ἀληθῶς καὶ ἰδιαν αὐτοῦ τοῦ λόγου"
ζωὴ γὰρ ὧν κατὰ φύσιν ὡς θεός, ἐπειδὴ
γέγονεν ἐν πρότῃ ἐαυτοῦ σάρκα,
ζωοποιὸν ἀπέφηεν αὐτήν,

dum scripturas carne perpessus
sit* et erat in crucifixo corpore, pro-
prie carnis impassibiliter ad se
referens passiones. *Gratia vero Dei
pro omnibus gustavit mortem*¹, tradens
ei proprium corpus, quamvis natu-
raliter ipse vita sit et resurrectio
mortuorum³. Nam ut mortem in-
effabili potentia proculcaret ac pri-
mus in sua carne primogenitus ex
mortuis fieret¹ et primitiae dormien-
tium⁵ viamque faceret humanae na-
turae ad incorruptionis recursum,
gratia Dei, sicut supra dictum est,
pro omnibus gustavit mortem et tertio
die resurgens spoliavit infernum.

Idcirco quamvis dicatur quod *per
bominem* facta sit *resurrectio mortuorum**, tamen intellegimus hominem
factum Verbum quod ex Deo est, et per ipsum mortis imperium fuisse
•0 destructum; veniet autem temporibus praefinitis, sicut est unus Filius et
dominus, in gloria Patris, ut iudicet orbem terrarum in aequitate, sicut
scriptura testatur⁷.
Necessarie igitur et hoc adicimus.
Adnuntiantes enim secundum car-
nem mortem unigeniti Filii Dei, id
est Iesu Christi et resurrectionem
eius et in caelis ascensionem pariter
confitentes, incruentam celebramus
in ecclesiis sacrificii servitutem, sic
etiam ad mysticas benedictiones
accedimus et sanctificamur, partici-
pes sancti corporis et pretiosi san-
guinis Christi omnium nostrum
redemptoris effecti, non ut commu-
nem carnem percipientes, quod ab-
sit, nec ut viri sanctificari et Verbo
coniuncti secundum dignitatis uni-
tatem aut sicut divinam possidentis
habitationem, sed ut vere vivifica-
tricem et ipsius Verbi propriam fac-
tam. Vita enim naturaliter ut Deus
exsistens, quia propriae carni unitus
est, vivificatricem eam esse pro-

1 Cf. 1 Pt 4, 1. 2 Hcb 2, 9. 3 Cf. Io 11, 25. 4 Cf. Coi 1, 18. 5 Cf. 1 Cor 15, 20.

4 Cf. 1 Cor 15, 21. 7 Cf. Ac 17, 31.

become the firstborn from the dead* and "the first fruits of them that sleep"⁵. And that he might make a way for human nature to return to incorruption by the grace of God, as we have just said, "he tasted death for all" and on the third day he returned to life, having robbed the underworld. Accordingly, even though it is said that "through man came the resurrection of the dead"⁶, yet we understand that man to have been the Word which came from God, through whom the power of death was overcome. At the right time he will come as one Son and Lord in the glory of the Father, to judge the world in justice⁷, as it is written.

We will necessarily add this also. Proclaiming the death according to the flesh of the only begotten Son of God, that is Jesus Christ, and professing his return to life from the dead and his ascension into heaven, we offer the unbloody worship in the churches and so proceed to the mystical thanksgivings and are sanctified, having partaken of the holy flesh and precious blood of Christ, the saviour of us all. This we receive not as ordinary flesh, heaven forbid, nor as that of a man who has been made holy and joined to the Word by union of honour, or who had a divine indwelling, but as truly the life-giving and real flesh of the Word. For being life by nature as God, when he became one with his own flesh, he made it also to be life-giving, as also he said to us: "Amen I say to you, unless you eat the

⁴ See Col 1,18.

⁵ See 1 Cor 15, 20.

⁶ See 1 Cor 15, 21.

⁷ See Ac 17, 31.

ὥστε καν λέγη πρό ἡμᾶ ‘αμήν λέγω ὑμῖν, ἐάν μή φάγητε τήν σάρκα τοῦ υἱοῦ τοῦ ἀνθρώπου καί πῖητε αὐτοῦ τὸ αἷμα’¹, οὐχ ὡ ἀνθρώπου τῶν καθ’ ἡμᾶ ἐνό καί αὐτήν εἶναι λογιούμεθα (πῶ γάρ ἡ ἀνθρώπου σαρκὶ ζωοποιό ἐστὶ κατὰ φύσιν τήν ἑαυτῇ ;), ἀλλ’ ὡ ἰδίαν ἀληθῶ γενομένην τοῦ δι’ ἡμᾶ καί υἱοῦ ἀνθρώπου γεγονότο τε καί χρηματίσαντο .

Τὰ δέ γε ἐν τοῖ εὐαγγελίοι τοῦ σωτήρο ἡμῶν φωνᾷ οὔτρ ὑποστάσει δυσιν οὔτε μήν προσώποι καταμερίζομεν οὐ γάρ ἐστὶ διπλοῦ ὁ εἰ καί μόνο Χριστό , καν ἐκ δύο νοήται καί διαφόρων πραγμάτων εἰ ἐνότητᾱ τήν ἀμέριστον συνενηνεγμένο , καθάπερ ἀμέλει καί ἀνθρωπο ἐκ ψυχῇ νοεῖται καί σῶματο καί οὐ διπλοῦ μάλλον, ἀλλ’ εἰ ἐξ ἀμφοῖν. Ἀλλὰ τὰ τε ἀνθρωπίνα καί πρό γε τοῦτω τὰ θεϊκὰ παρ’ ἐνό εἰρήσθαι διακείσόμεθα, φρονούντε ὀρθῶ * δταν μὲν γάρ θεοπρεπῶ λέγη περὶ ἑαυτοῦ ‘ὁ ἑώρακῶ ἐμέ ἑώρακε τὸν πατέρα’² καί ‘ἐγὼ καί ὁ πατήρ ἐν ἐσμέν’³, τήν θείαν αὐτοῦ καί ἀπόρρητου ἐννοοῦμεν φύσιν, καθ’ ἣν καί ἐν ἐστὶ πρό τὸν ἑαυτοῦ πατέρα διὰ τήν ταυτότητα τῇ οὐσίᾳ , εἰκῶν τε καί χαρακτήρ καί ἀπαύγασμα τῇ δόξῃ αὐτοῦ⁴, δταν δέ τὸ τῇ ἀνθρωπότητι μέτρον οὐκ ἀτιμάζων τοῖ Ἰουδαῖοι προσλαλή ‘νῦν δέ με ζητεῖτε ἀποκτεῖναι, ἀνθρώπον δ τήν ἀλήθειαν ὑμῖν λελάληκα’⁵, πάλιν οὐδέν ἡττον αὐτὸν τὸν ἐν ἰσότητι τε καί ὁμοιότητι τοῦ πατρὸ θεὸν λόγον καί ἐκ τῶν τῇ ἀνθρωπότητι αὐτοῦ μέτρων ἐπιγινώσκομεν* εἰ γάρ ἐστὶν ἀναγκαῖον τὸ πιστεῦειν διττὸν θεὸ ὦν φύσει γέγονε σὰρξ ἡ γοῦν ἀνθρωπο ἐψυχωμένο ψυχῇ λογικῇ, ποῖον ἀν ἔχοι λόγον τὸ ἐπαισχύνεσθαι τινὰ ταῖ παρ’ αὐτοῦ

fessus est, et ideo, quamvis dicat ad nos *amen amen dico vobis, nisi manducaveritis carnem filii hominis et biberitis eius sanguinem*¹, non tamen eam ut hominis unius ex nobis existimare s debemus (quomodo enim iuxta naturam suam vivificatrix esse caro hominis poterit?), sed ut vere propriam eius factam, qui propter nos filius hominis et factus est et vocatus. 10

Eas autem voces quas Salvator noster in evangelio protulit, non in duabus subsistentiis aut personis omnino partimur. Non enim duplex is est unus Christus et solus, quamvis ex duabus diversisque rebus ad unitatem cognoscatur individuum convenisse, sicut homo quoque, ex anima constans et corpore, non 80 duplex potius, sed unus est ex utroque. Humanas ergo et divinas insuper voces ab uno Christo dictas animadvertentes recte sentimus. Cum enim Deo dignissime loquitur «s de se ipso *qui me vidit, vidit et Patrem*² et *ego et Pater unum sumus*³, divinam eius intellegimus ineffabilemque naturam, secundum quam unum est cum Patre suo propter unam ean- 30 demque substantiam, imago et character splendorque glorie eius⁴ existens. Cum vero humane nature mensuram nullatenus inhonorans iudeos adloquitur *nunc me quaeritis occidere, hominem qui veritatem vobis locutus sum*³, item non minus eum qui in similitudine et aequalitate Patris est, Deum Verbum etiam in mensuris humanitatis 40 eius agnoscimus. Si autem necessario creditur quod natura Deus existens factus sit caro, immo potius homo animatus anima rationali, quae causa est ut in eius quilibet 45

1 Io 6,53.

« Io 14,9.

3 Io 10, 30.

* Cf. Heb 1, 3.

s Io 8, 40.

flesh of the Son of man and drink his blood”¹. For we must not think that it is the flesh of a man like us (for how can the flesh of man be life-giving by its own nature?), but as being made the true flesh of the one who for our sake became the son of man and was called so.

For we do not divide up the words of our Saviour in the gospels among two hypostases or persons. For the one and only Christ is not dual, even though he be considered to be from two distinct realities, brought together into an unbreakable union. In the same sort of way a human being, though he be composed of soul and body, is considered to be not dual, but rather one out of two. Therefore, in thinking rightly, we refer both the human and divine expressions to the same person. For when he speaks about himself in a divine manner as “he that sees me sees the Father”², and “I and the Father are one”³, we think of his divine and unspeakable nature, according to which he is one with his own Father through identity of nature and is the “image and impress and brightness of his glory”⁴. But when, not dishonouring the measure of his humanity, he says to the Jews: “But now you seek to kill me, a man who has spoken the truth to you”⁵, again no less than before, we recognise that he who, because of his equality and likeness to God the Father is God the Word, is also within the limits of his humanity. For if it is necessary to believe that being God by nature he became flesh, that is man ensouled with a rational soul, whatever reason should anyone have for being ashamed at the expressions uttered by him should they happen to

¹ Jn 6, 53. ² Jn 14, 9. ³ Jn 10, 30. ⁴ See Heb 1, 3. ⁵ Jn 8, 40.

φωναί, εἰ γεγόνασιν ἀνθρωπο-
 πρεπῶ; εἰ γὰρ παραιτοῖτο τοῦ
 ἀνθρώπῳ πρέποντα λόγου, τί ὁ
 ἀναγκάσα γενέσθαι καθ' ἡμᾶ ἀν-
 5 θρωπον; ὁ δὲ καθεὶ ἐαυτὸν δι' ἡμᾶ
 εἰ ἐκούσιον κένωσιν διὰ ποίαν
 αἰτίαν παραιτοῖτο ἀν τοῦ τῇ κενώ-
 σει πρέποντα λόγου; ἐνὶ τοιγαρ-
 οῦν προσώπῳ τὰ ἐν τοῖ εὐαγγελί-
 10 οἱ πᾶσα ἀναθετέον φωνά, ὑποστά-
 σει μια τῇ τοῦ λόγου σεσαρκωμένη-
 κύριο γὰρ εἰ Ἰησοῦ Χριστοῦ¹ κατὰ
 τὰ γραφά. Et δὲ δὴ καλοῖτο καὶ ἀπό-
 στολο καὶ ἀρχιερεὺ τῇ ὁμολογία
 15 ἡμῶν², ὡ ἱερουργῶν τῷ θεῷ καὶ
 πατρὶ τὴν πρὸ ἡμῶν αὐτῷ τε καὶ δι'
 αὐτοῦ τῷ θεῷ καὶ πατρὶ προσκομι-
 ζομένην τῇ πίστει ὁμολογίαν καὶ
 μην καὶ εἰ τὸ ἅγιον πνεῦμα, πάλιν
 30 αὐτὸν εἶναι φάμεν τὸν ἐκ θεοῦ κατὰ
 φύσιν υἱὸν μονογενῆ, καὶ οὐκ ἀνθρώ-
 πῳ προσνεμούμεν παρ' αὐτὸν ἑτέρῳ
 τῷ τε τῇ ἱεροσύνῃ Ὄνομα καὶ αὐτὸ
 δὲ τὸ χρήμα· γέγονε γὰρ ἡμεσίτη θεοῦ
 25 καὶ ἀνθρώπων³ καὶ διαλλακτὴ εἰ
 εἰρήνην, ἐαυτὸν ἀναθεὶ εἰς ὁσμὴν εὐω-
 δία τῷ θεῷ καὶ πατρὶ⁴. Τοιγάρτοι
 καὶ ἐφάσκειν ἑθυσίαν καὶ προσφορὰν
 οὐκ ἠθέλησα, σῶμα δὲ κατηρτίσω
 30 μοι, [ολοκαυτώματα καὶ περὶ ἀμαρ-
 τία οὐκ εὐδόκησα,] τότε εἶπον· ἰδοὺ
 ἦκω" ἐν κεφαλίδι βιβλίου γέγραπται
 περὶ ἐμοῦ τοῦ ποιήσαι, ὁ θεός, τὸ
 θέλημά σου⁵. Προσκεκόμικε γὰρ
 35 ὑπὲρ ἡμῶν εἰς ὁσμὴν εὐωδία τὸ
 ἴδιον σῶμα καὶ οὐχ ὑπὲρ γε μᾶλλον
 ἐαυτοῦ· ποία γὰρ ἀνέδεήθη προσφο-
 ρὰ ἢ θυσία ὑπὲρ ἐαυτοῦ, κρείττων
 ἀπάσῃ ὑπάρχων ἀμαρτία ὡς θεός;
 40 εἰ γὰρ ἅπαντες ἡμαρτον καὶ ὑστεροῦν-
 ται τῇ δόξῃ τοῦ θεοῦ⁶, καθὼς γεγό-
 ναμεν ἡμεῖς ἑτοιμοὶ πρὸ παραφορὰν
 καὶ κατηρρώστησεν ἡ ἀνθρώπου
 φύσις τὴν ἀμαρτίαν, αὐτὸ δὲ οὐχ

vocibus erubescat, si eas homine
 dignas effatus est? quod si sermones
 homini congruentes abicit. iuxta nos
 hominem fieri quis coegit? cum
 vero se propter nos ad exinanitio-
 nem spontaneam misericorditer in-
 clinant, quam ob causam dignos
 exinanitione sermones effugerit?
 uni igitur personae cunctas eius in
 evangelio voces adseribimus, uni
 subsistentiae Verbi scilicet incarnati,
 quia unus est dominus Iesus Chri-
 stus¹, ut scriptum est. Appellatum
 vero *apostolum et pontificem confessio-
 nis nostrae*— tamquam sacrificantem
 Deo et Patri fidei nostrae confessio-
 nem, quae a nobis ipsi et per ipsum
 Deo et Patri incessanter offertur,
 iterum eum dicimus qui ex Deo est
 secundum naturam Filius unigeni-
 tus, nec homini praeter eum alteri
 sacerdotii nomen et officium depu-
 tamus. Factus est enim *mediator Dei
 et hominum** et reconciliator ad pa-
 cem, semet ipsum Deo et Patri pro
 nobis offerens in odorem suavi-
 tatis⁴. Ideoque dicebat: *sacrificium et
 oblationem noluisti, holocausta et pro
 peccato non tibi placuerunt; corpus
 autem perfecisti mihi. Tunc dixi: ecce
 venio, in capite libri scriptum est de me,
 ut faciam, Deus, voluntatem tuam**.
 Obtulit enim proprium corpus non
 pro se, sed pro nobis in odorem
 suavitatis. Nam qua pro se oblatio-
 ne vel sacrificiis indigeret ab omni
 peccato liber ut Deus exsistens? quod
 si *omnes peccaverunt et egent gloriam
 Dei** secundum hoc quod sumus ad
 mutabilitatis excessum proniores
 effecti et peccatis aegrotavit huma-
 na natura, ipse vero non ita, ideoque
 nos gloria eius evincimur, cur erit
 ultra iam dubium quod agnus verus

1 Cf. 1 Cor 8,6.

2 Heb 3,1.

3 1 Tm 2, 5.

4 Cf. Eph 5,2.

4 Heb 10, 5-7.

· Rm 3,23.

be suitable to him as man? For if he should reject words suitable to him as man, who was it that forced him to become a man like us? Why should he who submitted himself to voluntary self-emptying for our sake, reject expressions that are suitable for such self-emptying? All the expressions, therefore, that occur in the gospels are to be referred to one person, the one enfleshed hypostasis of the Word. For there is one Lord Jesus Christ¹, according to the scriptures.

Even though he is called “the apostle and high priest of our confession”², as offering to the God and Father the confession of faith we make to him and through him to the God and Father and also to the holy Spirit, again we say that he is the natural and only-begotten Son of God and we shall not assign to another man apart from him the name and reality of priesthood. For he became the “mediator between God and humanity”³ and the establisher of peace between them, offering himself for an odour of sweetness to the God and Father⁴. Therefore also he said: “Sacrifice and offering you would not, but a body you have prepared for me; [in burnt offerings and sacrifice for sin you have no pleasure]. Then I said, ‘Behold I come to do your will, O God’, as it is written of me in the volume of the book”⁵. For our sake and not for his own he brought forward his own body in the odour of sweetness. Indeed, of what offering or sacrifice for himself would he have been in need, being as God superior to all manner of sin? For though “all have sinned and fall short of the glory of God”⁶, and so we are prone to disorder and human nature has fallen into the weakness of sin, he is not so and consequently we are behind him in glory. How then can

¹ See 1 Cor 8, 6. ² Heb 3, 1. ³ 1 Tm 2, 5. ⁴ See Eph 5, 2.
⁵ Heb 10, 5-7. ⁶ Rm 3, 23.

οὕτω , καὶ ἡττώμεθα διὰ τοῦτο τη-
 δόξῃ αὐτοῦ, πῶς ἂν εἴη λοιπὸν ἀμ-
 φίβολον ὅτι τέθυται δι* ἡμᾶς καὶ ὑπὲρ
 ἡμῶν δ' ἄμνόν· ὁ ἀληθινός ; Καὶ τὸ λέ-
 γειν ὅτι προσκεκόμικεν ἑαυτὸν ὑπὲρ
 τε ἑαυτοῦ καὶ ἡμῶν, ἀμοιρήσειεν ἂν
 οὐδαμῶς τῶν εἰς δυσσέβειαν ἐγκλη-
 μάτων· πεπλημμέληκε γὰρ κατ'
 οὐδένα τρόπον οὔτε μὴν ἐποίησεν
 ἀμαρτίαν ποια ὁδὸν ἐδεήθη προσ-
 φορά, ἀμαρτία οὐκ οὐση ἐφ' ἥπερ
 ἂν γένοιτο καὶ μάλα εἰκότως / Ὅταν δέ
 λέγῃ περὶ τοῦ πνεύματος· «ἐκεῖνο ἐμέ
 δοξάσει»¹, νοοῦντε ὁρθῶς οὐχ ὡς
 δόξῃ ἐπιδεῖν τὴν παρ' ἑτέρου φαμέν-
 τὸν ἕνα Χριστόν καὶ υἱὸν τὴν παρὰ
 τοῦ ἁγίου πνεύματος· δόξαν ἐλεῖν, ὅτι
 μὴδὲ κρεῖττον αὐτοῦ καὶ ὑπὲρ αὐτόν·
 τὸ πνεῦμα αὐτοῦ· ἐπειδὴ δὲ εἰς ἐνδει-
 ξιν τῆς ἑαυτοῦ θεότητος ἐχρήτο τῷ
 ἰδίῳ πνεύματι πρὸς μεγαλουργία,
 δεδοξάσθαι παρ' αὐτοῦ φησιν, ὥσπερ
 ἂν εἰ καὶ τι λέγοι τῶν καθ' ἡμᾶς περὶ
 τῆς ἐνοῦσης ἰσχύος αὐτῷ τυχόν ἢ
 γοῦν ἐπιστήμη τῇ ἐφ' ὅτω οὖν ὅτι
 δοξάσουσί με. Εἰ γὰρ καὶ ἐστὶν ἐν
 ὑποστάσει τὸ πνεῦμα ἰδικὴ καὶ δὴ
 καὶ νοεῖται καθ' ἑαυτό, καθὼς πνεῦμά
 ἐστὶν καὶ οὐχ υἱός, ἀλλ' οὖν ἐστὶν οὐκ
 ἀλλότριον αὐτοῦ· «τὸ πνεῦμα γὰρ ἀλήθεια
 »² ὡνόμασται καὶ ἐστὶν Χριστός ἢ
 ἀλήθεια³ καὶ προχεῖται παρ' αὐτοῦ
 καθάπερ ἀμελεῖ καὶ ἐκ τοῦ θεοῦ καὶ
 πατρός· ἐνεργήσαν τοιγαροῦν τὸ πνεῦ-
 μα καὶ διὰ χειρὸς τῶν ἁγίων ἀποστό-
 λων τὰ παράδοξα μετὰ τὸ ἀνελθεῖν
 τὸν κύριον ἡμῶν Ἰησοῦν Χριστόν·
 εἰ τὸν οὐρανὸν ἐδόξασεν αὐτόν ἐπι-
 στεύθη γὰρ ὅτι θεός· κατὰ φύσιν ἐστίν,
 πάλιν αὐτὸ ἐνεργῶν διὰ τοῦ ἰδίου
 πνεύματος. Διὰ τοῦτο καὶ ἐφασκεν
 «ὅτι ἐκ τοῦ ἐμοῦ λήψεται καὶ ἀπαγγε-
 λεῖ ὑμῖν»⁴. Καὶ οὐτὶς ποῦ φάμεν ὡς ἐκ
 μετοχῆς τὸ πνεῦμά ἐστι σοφόν τε καὶ
 δυνατόν, παντέλειον γὰρ καὶ ἀπροσ-

propter nos et pro nobis sit immo-
 latus? qui dicit autem quia semet
 ipsum tam pro se quam pro nobis
 obtulerit, nullatenus impietatis cri-
 men effugiet, cum nihil prorsus iste
 deliquerit nec ullum fecerit omnino
 peccatum. Qua igitur egeret obla-
 tione, nullo suo exstante facinore
 pro quo, si esset satis admodum
 convenienter, offerret? De Spiritu
 quoque cum dicit *ille me glorificabit*¹,
 hoc rectissime sentientes unum
 Christum et Filium, non velut alte-
 rius egentem gloria, confitemur
 ab Spiritu sancto gloriam consecu-
 tum, quia Spiritus eius nec melior
 nec superior illo est. Sed quia mira
 opera faciens ad demonstrationem
 suae deitatis virtute proprii Spiritus
 utebatur, ab ipso glorificari dicitur,
 quemadmodum si quis de homini-
 bus adseveret quod virtus sua vel
 disciplina quaelibet unumquemque
 clarificet. Quamvis enim in sua sit
 subsistentia Spiritus et eius intelle-
 gatur in persona proprietates iuxta id
 quod Spiritus est et non Filius,
 attamen alienus non est ab illo. Nam
Spiritus appellatus est *veritatis*² et
veritas Christus est³, unde et ab isto
 similiter sicut ex Deo Patre proce-
 dit. Denique hic ipse Spiritus etiam
 per sanctorum manus apostolorum
 miracula gloriosa perficiens, domi-
 num glorificavit Iesum Christum,
 postquam ascendit in caelum. Nam
 creditus est Christus, natura Deus
 exsistens, per suum Spiritum virtu-
 tes efficiens ideoque dicebat: *de meo
 accipiet et adnuntiabit vobis**. Nequa-
 quam vero participatione alterius
 idem Spiritus sapiens aut potens
 dicitur, quia per omnia perfectus
 est et nullo prorsus indigens bono.
 Nam paternae virtutis et sapientiae⁵,

¹ 10 16,14.² Io 16,13.³ Cf. Io 14, 6.

* Io 16,14.

⁵ Cf. 1 Cor 1, 24.

there be any further doubt that the true lamb was sacrificed for us and on our behalf? The suggestion that he offered himself for himself as well as for us is impossible to separate from the charge of impiety. For he never committed a fault at all, nor did he sin in any way. What sort of offering would he need then, since there was no sin for which offering might rightly be made?

When he says of the Spirit, “he will glorify me”¹, the correct understanding of this is not to say that the one Christ and Son was in need of glory from another, and that he took glory from the holy Spirit, for his Spirit is not better than he nor above him. But because he used his own Spirit to display his godhead through his mighty works, he says that he has been glorified by him, just as if any one of us should perhaps say for example of his inherent strength or his knowledge of anything that they glorify him. For even though the Spirit exists in his own hypostasis and is thought of on his own, as being Spirit and not as Son, even so he is not alien to the Son. He has been called “the Spirit of truth”², and Christ is the truth³, and the Spirit was poured forth by the Son, as indeed the Son was poured forth from the God and Father. Accordingly the Spirit worked many strange things through the hand of the holy apostles and so glorified him after the ascension of our lord Jesus Christ into heaven. For it was believed that he is God by nature and works through his own Spirit. For this reason also he said: “He (the Spirit) will take what is mine and declare it to you”⁴. But we do not say that the Spirit is wise and powerful through some sharing with another, for he is all perfect and in need of no good thing. Since he is the Spirit of the power and

¹ Jn 16, 14.

² Jn 16, 13.

³ See Jn 14,6.

⁴ Jn 16, 14.

wisdom of the Father¹, that is the Son, he is himself, evidently, wisdom and power.

Therefore, because the holy virgin bore in the flesh God who was united hypostatically with the flesh, for that reason we call her mother of God, not as though the nature of the Word had the beginning of its existence from the flesh (for “the Word was in the beginning and the Word was God and the Word was with God”², and he made the ages and is coeternal with the Father and craftsman of all things), but because, as we have said, he united to himself hypostatically the human and underwent a birth according to the flesh from her womb. This was not as though he needed necessarily or for his own nature a birth in time and in the last times of this age, but in order that he might bless the beginning of our existence, in order that seeing that it was a woman that had given birth to him, united to the flesh, the curse against the whole race should thereafter cease, which was consigning all our earthy bodies to death, and in order that the removal through him of the curse, “In sorrow thou shalt bring forth children”³, should demonstrate the truth of the words of the prophet: “Strong death swallowed them up”⁴, and again, “God has wiped every tear away from all faces”⁵. It is for this cause that we say that in his economy he blessed marriage and, when invited, went down to Cana in Galilee with his holy apostles⁶.

We have been taught to hold these things by the holy apostles and evangelists and by all the divinely inspired scriptures and by the true confession of the

¹ Sec 1 Cor 1, 24. ² Jn 1, 1. ³ Gn 3, 16. ⁴ 1 Cor 15, 54 (see Is 25, 8). ⁵ Is 25, 8.

⁶ Secjn 2, 1-2.

ρίων πατέρων αληθοῦ ὁμολογία· τοῦτοι ἅπασιν καί τήν σήν εὐλάβειαν συναινέσαι χρή καί συνθέσθαι διχα δόλου παντό· Ἄ δέ ἐστὶν ἀναγκαῖον ἀναθεματίσαι τήν σήν εὐλάβειαν, ὑποτέτακται τήδε ἡμῶν τῇ ἐπιστολῇ.

α. Et τι οὐχ ὁμολογεῖ θεὸν εἶναι κατὰ ἀλήθειαν τὸν Ἑμμανουήλ καὶ διὰ τοῦτο Θεοτόκον τὴν ἁγίαν παρθένον (γεγέννηκε γὰρ σαρκικῶς σάρκα γεγονότα τὸν ἐκ θεοῦ λόγον)¹, ἀνάθεμα ἐστω.

β'. Εἴ τι οὐχ ὁμολογεῖ σαρκὶ καθ' ὑπόστασιν τὸν ἐκ θεοῦ πατρὸς λόγον ἓνα τε εἶναι Χριστὸν μετὰ τῇ ἰδίᾳ σαρκὶ, τὸν αὐτὸν δηλονότι θεὸν τε ὁμοῦ καὶ ἄνθρωπον, ἀνάθεμα ἐστω.

γ'. Et τι ἐπὶ τοῦ ἐνὸς Χριστοῦ διαιρεῖ τὰ ὑποστάσει μετὰ τὴν ἐνωσιν, μόνη συναπτῶν αὐτὰ συνάφεια τῇ κατὰ τὴν ἰδίαν ἢ γούν ἀθθεντίαν ἢ δυναστείαν καὶ οὐχὶ δὴ μᾶλλον συνόδῳ τῇ καθ' ἐνωσιν φυσικὴν, ἀνάθεμα ἐστω.

δ'. Et τι προσώποι δυσὶν ἢ γούν ὑποστάσεσιν τὰ τε ἐν τοῖς εὐαγγελικοῖς καὶ ἀποστολικοῖς συγγράμμασι διανέμει φωνά, ἢ ἐπὶ Χριστῷ παρὰ τῶν ἁγίων λεγόμενῳ ἢ παρ' αὐτοῦ περὶ ἑαυτοῦ, καὶ τὰ μὲν ὡς ἄνθρωπῳ παρὰ τὸν ἐκ θεοῦ λόγον ἰδικῶς νοουμένῳ προσάπτει, τὰ δὲ ὡς θεοπρεπεῖ μόνῳ τῷ ἐκ θεοῦ πατρὸς λόγῳ, ἀνάθεμα ἐστω.

ε'. Εἰ τι τολμᾷ λέγειν θεοφόρον ἄνθρωπον τὸν Χριστὸν καὶ οὐχὶ δὴ μᾶλλον θεὸν εἶναι κατὰ ἀλήθειαν ὡς υἱὸν ἓνα καὶ φύσει, καθὼς ἔγενε

sionibus veritate subnixis; his omnibus etiam tuam religionem concordare et praeter aliquem dolum vel finctionem consentire iam convenit. Quae vero religioni tuae anathematizare necesse est, huic epistulae nostrae subiecta sunt; quod si minime, eisdem subiectam sententiam consequeris.

1. Si quis non confitetur Deum esse veraciter Emmanuhel et propter hoc ipsum Dei genetricem sanctam Virginem (peperit enim carnaliter Verbum quod ex Deo est secundum quod scriptum est *et Verbum caro factum est*), a. s.

II. Si quis non confitetur cam substantialiter unitum esse Verbum Patris, unum quoque esse Christum cum propria came et eundem ipsum sine dubio Deum simul et hominem, a. s.

III. Si quis in uno Christo dividit substantias post unionem, sola eas societate coniungens ea quae secundum dignitatem est vel etiam auctoritatem aut potestatem, et non magis conventu ad unitatem naturalem, a. s.

IV. Si quis duabus personis vel subsistentiis decernat eas voces quae tam in evangelicis quam apostolicis litteris continentur, vel etiam eas quae de Christo a sanctis dicuntur vel ab ipso Christo de se ipso, et aliquas quidem ex his tamquam homini praeter Dei Verbum <qui quasi> specialiter intellegatur, adplicandas crediderit, aliquas vero tamquam Deo dignas soli Verbo Dei Patris deputaverit, a. s.

V. Si quis audet dicere Christum [hominem] ἄνθρωπον θεοφόρον, id est hominem Deo utentem seu portan- tem, et non Deum esse veraciter

¹ Io 1,14.

blessed fathers. To all these your reverence ought to agree and subscribe without any deceit. What is required for your reverence to anathematise we subjoin to this epistle.

1. If anyone does not confess that Emmanuel is God in truth, and therefore that the holy virgin is the mother of God (for she bore in a fleshly way the Word of God become flesh)¹, let him be anathema.

2. If anyone does not confess that the Word from God the Father has been united by hypostasis with the flesh and is one Christ with his own flesh, and is therefore God and man together, let him be anathema.

3. If anyone divides in the one Christ the hypostases after the union, joining them only by a conjunction of dignity or authority or power, and not rather by a coming together in a union by nature, let him be anathema.

4. If anyone distributes between the two persons or hypostases the expressions used either in the gospels or in the apostolic writings, whether they are used by the holy writers of Christ or by him about himself, and ascribes some to him as to a man, thought of separately from the Word from God, and others, as befitting God, to him as to the Word from God the Father, let him be anathema.

5. If anyone dares to say that Christ was a God-bearing man and not rather

¹ Jn 1, 14.

σάρξ ὁ λόγος ἢ καὶ κεκοινώνηκε παρα-
πλησίῳ ἡμῖν αἵματι καὶ σαρκὶ *,
ἀνάθεμα ἔστω.

. Et ti λέγει θεὸν ἢ δεσπότην
εἶναι τοῦ Χριστοῦ τὸν ἐκ θεοῦ πατρός
λόγον καὶ οὐχὶ δὴ μᾶλλον τὸν αὐτὸν
ὁμολογεῖ θεὸν τε ὁμοῦ καὶ ἄνθρωπον,
ὥ γεγονότο σαρκὶ τοῦ λόγου
is κατὰ τὰ γραφά, ἀνάθεμα ἔστω.

ζ'. Εἰ τί φησιν ὡ ἄνθρωπον ἐνηρ-
γησθαι παρὰ τοῦ θεοῦ λόγου τὸν
Ἰησοῦν καὶ τὴν τοῦ μονογενοῦ
ευδοξίαν περιήφθαι, ὡ ἐτέρῳ παρ'
15 αὐτὸν ὑπάρχοντι, ἀνάθεμα ἔστω.

η'. Εἰ τί τολμᾷ λέγειν τὸν ἀναλη-
φθέντα ἄνθρωπον συμπροσκυνεῖσθαι
δεῖν τῷ θεῷ λόγῳ καὶ συνδοξάζεσθαι
καὶ συγχρηματίζειν θεὸν ὡ ἐτερον
ἐτέρῳ, (τὸ γὰρ 'συν' αἰ προστιθέμενον
τούτο νοεῖν ἀναγκάσει), καὶ οὐχὶ δὴ
μᾶλλον μίαν προσκυνήσει τιμὰ τὸν
Εμμανουήλ καὶ μίαν αὐτῷ τὴν δοξο-
λογίαν ἀνάπτει καθὼ γέγονε σὰρξ ὁ
25 λόγος 1, ἀνάθεμα ἔστω.

θ'. Εἰ τί φησιν τὸν ἕνα κύριον
Ἰησοῦν Χριστὸν δεδοξάσθαι παρὰ τοῦ
πνεύματος, ὡ ἄλλοτρία δυνάμει τῇ
δι' αὐτοῦ χρώμενον καὶ παρ' αὐτοῦ
λαβόντα τὸ ἐνεργεῖν δύνασθαι κατὰ
πνευμάτων ἀκαθάρτων καὶ τὸ πλη-
ροῦν εἰ ἄνθρωπου τὰ θεοσημεῖα,
καὶ οὐχὶ δὴ μᾶλλον ἴδιον αὐτοῦ τὸ
πνεῦμά φησιν, δι' οὗ καὶ ἐνήργηκε
τὰ θεοσημεῖα · ἀνάθεμα ἔστω.

ι'. ' Ἀρχιερέα καὶ ἀπόστολον τῇ
ὁμολογίᾳ ἡμῶν³ γεγενησθαι Χριστὸν
ἡ θεία λέγει γραφή, προσκεκόμικε δέ
ὑπὲρ ἡμῶν ἑαυτὸν εἰ ὑσμὴν εὐωδία
«0 τῷ θεῷ καὶ πατρί⁴· εἰ τί τοίνυν
ἀρχιερέα καὶ ἀπόστολον ἡμῶν γεγε-
νησθαι φησιν οὐκ αὐτὸν τὸν ἐκ θεοῦ
λόγον, δτε γέγονε σὰρξ καὶ καθ'
ἡμᾶ ἄνθρωπο, ἀλλ' ὡ ἐτερον παρ'
45 αὐτὸν ἰδικῶ ἄνθρωπον ἐκ γυναικὸς,
ἢ εἰ τί λέγει καὶ ὑπὲρ ἑαυτοῦ

dixerit, tamquam unicum Filium
per naturam, secundum quod *Ver-
bum caro factum* fr/l(et>participaverit
nobis similiter carneetsanguine', a.s.

VI. Si quis dicit Deum vel domi-
num esse Christi Dei Patris Verbum
et non magis eundem ipsum con-
fitemur Deum et hominem simul
propter quod *Verbum caro factum*
est¹ secundum scripturas, a.s.

VII. Si quis dicit tamquam in
hominem Iesum Deum Verbum
fuisse operatum et unigeniti digni-
tatem tamquam alteri praeter ipsum
exsistenti tribuit, a. s.

VIII. Si quis audet dicere ad-
sumprum hominem coadorari cum
Deo Verbo oportere et connuncu-
pari Deum, tamquam alterum cum
altero (adiectio enim unius sylla-
bae hoc cogit intellegi), et non
magis una reverentia veneratur
Emmanuelem unamque ei glori-
ficationem dependit iuxta quod
*Verbum caro factum est*¹, a. s.

IX. Si quis unum dominum Iesum
Christum glorificatum dicit ab Spiri-
tu sancto, tamquam ab aliena virtu-
te, qua pereum uteretur, et ab eo ac-
ceperit efficaciam contra immundos
spiritus, et per eum implesse divina
signa et non magis proprium eius
esse Spiritum dicat, sicut et Patris,
per quem signa operatus est, a. s.

X. *Pontificem et apostolum con-
fessionis nostrae*³ factum esse Chri-
stum divina scriptura commemo-
rat; obtulit enim semet ipsum pro
nobis Deo Patri in odorem suavitatis⁴.
Si quis ergo pontificem et apo-
stolum nostrum alium dixerit esse
factum praeterquam ipsum Deum
Dei Verbum, quando factum est caro
et secundum nos homo, sed quasi
alterum praeter ipsum specialiter

Mo 1,14.

*Cf. Heb 2,14.

3 Heb 3,1.

4 Cf. Eph 5, 2.

God in truth, being by nature one Son, even as “the Word became flesh”¹, and is made partaker of blood and flesh precisely like us², let him be anathema.

6. If anyone says that the Word from God the Father was the God or master of Christ, and does not rather confess the same both God and man, the Word having become flesh¹, according to the scriptures, let him be anathema.

7. If anyone says that as man Jesus was activated by the Word of God and was clothed with the glory of the Only-begotten, as a being separate from him, let him be anathema.

8. If anyone dares to say that the man who was assumed ought to be worshipped and glorified together with the divine Word and be called God along with him, while being separate from him, (for the addition of “with” must always compel us to think in this way), and will not rather worship Emmanuel with one veneration and send up to him one doxology, even as “the Word became flesh”¹, let him be anathema.

9. If anyone says that the one Lord Jesus Christ was glorified by the Spirit, as making use of an alien power that worked through him and as having received from him the power to master unclean spirits and to work divine wonders among people, and does not rather say that it was his own proper Spirit through whom he worked the divine wonders, let him be anathema.

10. The divine scripture says Christ became “the high priest and apostle of our confession”³; he offered himself to God the Father in an odour of sweetness for our sake⁴. If anyone, therefore, says that it was not the very Word from God who became our high priest and apostle, when he became flesh and a man like us, but as it were another who was separate from him, in particular a man from a woman, or if anyone says that he offered the sacrifice also for himself and not

¹ Jn 1, 14.

² See Heb 2, 14.

³ Heb 3, 1.

⁴ See Eph 5, 2.

προσενε[^]-κεῖν αὐτόν τήν προσφοράν
καί οὐχί δὴ μάλλον ὑπὲρ μόνων
ημῶν, (οὐ γάρ αν ἐδεήθη προσφορά
ὁ μὴ εἰδὼ αμαρτίαν), ἀνάθεμα
έστω.

ια'. Εἴ τι οὐχ ὁμολογεῖ τήν του
κυρίου σάρκα ζωοποιόν εἶναι καί Ἰδίαν
αὐτοῦ του ἐκ Θεοῦ πατρός λόγου, ἀλλ'
ὡ ἐτέρου τίνος παρ' αὐτόν συνημμέ-
νου μὲν αὐτῷ κατὰ τήν ἀξίαν ἢ γοῦν
ὡ μόνην θείαν ἐνοίκησιν ἐσχηκότο ,
καί οὐχί δὴ μάλλον ζωοποιόν,
ὡ ἐφημεν, ὅτι γέγονεν ἰδία τοῦ
λόγου τοῦ πάντα ζωογονεῖν ἰσχύοντο ,
ἀνάθεμα έστω.

ιβζ. Εἰ τι οὐχ ὁμολογεῖ τὸν τοῦ
θεοῦ λόγον παθόντα σαρκί καί έσταυ-
ρωμενον σαρκί καί θανάτου γευσά-
μενον σαρκί, γεγονότα τε πρωτότο-
κον ἐκ τῶν νεκρῶν¹, καθὼ ζωή τέ έστι
καί ζωοποιό ὡ θεό , ἀνάθεμα έστω.

Ἀπόφασι ἐξενεχθεῖσα κατὰ
Νεστορίου ἢ καθαιρούσα αὐτόν

Ἡ ἁγία σύνοδος εἶπε* Πρὸ τοῦ
ἄλλοι μήτε ὑπακούσαι βουλευθέντο
τοῦ τιμιωτάτου Νεστορίου τη παρ'
ημῶν κλήσει μήτε μὴν τοῦ παρ'
ημῶν ἀποσταλέντα ἁγιωτά-του καί
θεοσεβεστάτου ἐπισκόπου προσδε-
ξαμένου, ἀναγκαίῳ ἐχωρήσαμεν ἐπὶ
τήν ἐτάσιν τῶν δυσσεβηθέντων
αὐτῷ καί φωράσαντε αὐτόν ἐκ τε
τῶν ἐπιστολῶν αὐτοῦ καί ἐκ τῶν
συγγραμμάτων τῶν ἀναγνωσθέντων
καί ἐκ τῶν ἀρτίῳ παρ' αὐτοῦ
ρηθέντων κατὰ τήνδε τήν μητρόπολιν
καί προσμαρτυρηθέντων δυσσεβῶ
φρονούντα καί κηρύττοντα, ἀναγκαίῳ
κατεπειχθέντε ἀπὸ τε τῶν κανόνων

hominem ex muliere, et si quis dicit
quia pro se obtulit se ipsum obla-
tionem et non magis pro nobis solis
(non enim indiguit oblatione qui
peccatum nescivit), a. s.

XL Si quis non confitetur car-
nem Domini vivificatricem esse
tamquam propriam ipsius Dei Ver-
bi, sed quasi alterius cuiuspiam prae-
ter ipsum, coniuncti quidem secun-
dum dignitatem aut secundum
quod solam divinam inhabitatio-
nem habuerit, et non potius, ut
diximus, vivificatricem esse, quia
facta est propria Verbi Dei, cui
omnia vivificare possibile est, a. s.

XII. Si quis non confitetur Deum
Verbum carne passum esse et
carne crucifixum et mortem carne
gustasse factumque primogenitum
ex mortuis¹, secundum quod est et
vita et vivificator ut Deus, a. s.

Sententia prolata a sancto concilio
contra impium et inimicum
rectae fidei Nestorium damnans
eum

Sancta synodus dixit: Super alia
neque obaudire volente honoratis-
simo Nestorio nostram vocationem
neque a nobis destinatos sanctissi-
mus et dei optimos cultores epis-
copos suscipiente, necessario acces-
simus ad discussionem impie ab eo
dictorum et deprehendentes eum
et ex epistulis eius et ex scriptis quae
lecta sunt, et de nuper ab eo dictis in
hac metropoli et probatis per
testium depositionem impie sapien-
tem et praedicantem necessario
coacti tam ex canonibus quam ex
epistula sanctissimi patris nostri et
comministri Caelestini episcopi Ro-

¹ Cf. Coi 1, 18.

rather for us alone (for he who knew no sin needed no offering), let him be anathema.

11. If anyone does not confess that the flesh of the Lord is life-giving and belongs to the Word from God the Father, but maintains that it belongs to another besides him, united with him in dignity or as enjoying a mere divine indwelling, and is not rather life-giving, as we said, since it became the flesh belonging to the Word who has power to bring all things to life, let him be anathema.

12. If anyone does not confess that the Word of God suffered in the flesh and was crucified in the flesh and tasted death in the flesh and became the first born of the dead¹, although as God he is life and life-giving, let him be anathema.

The judgment against Nestorius

The holy synod said: As, in addition to all else, the excellent Nestorius has declined to obey our summons and has not received the holy and God-fearing bishops we sent to him, we have of necessity started upon an investigation of his impieties. We have found him out thinking and speaking in an impious fashion, from his letters, from his writings that have been read out, and from the things that he has recently said in this metropolis which have been witnessed to by others; and as a result we have been compelled of necessity both by the canons

¹ See Col 1, 18.

καί ἐχ τη ἐπιστολή του ἁγιωτάτου
πατρός ἡμῶν καί συλλειτουργοῦ
Κελεστίνου [τοῦ] ἐπισκόπου τῇ
Ῥωμαίων ἐκκλησίᾳ δακρύσαντε
5 πολλάκι ἐπὶ ταύτην τὴν σκυθρωπὴν
κατ' (χύτου ἐχωρήσαμεν ἀπόφ-ασιν.
Ὁ βλασφημηθεὶ τοίνυν παρ' αὐτοῦ
κύριο ἡμῶν Ἰησοῦ Χριστοῦ ὥρισε
διὰ τῇ παρούσῃ ἁγιωτάτῃ συνόδου
10 ἄλλότριον εἶναι τὸν αὐτὸν Νεστόριον
τοῦ τε ἐπισκοπικοῦ αξιώματο καί
παντὸ συλλόγου Ἱερατικοῦ.

manorum ecclesiae lacrimantes sae-
pius ad hanc maerore plenam contra
eum venimus sententiam.

Qui blasphematus igitur ab eo
est dominus noster Iesus Christus,
definiit per praesentem sanctissimam
synodum alienum esse eundem
Nestorium tam ab episcopali digni-
tate quam etiam ab omni collegio
sacerdotali.

Επιστολή συνοδική περί των
ανατολικῶν ἐπισκόπων

Synodi epistula generalis de
orientalibus episcopis

is Ἡ ἁγία καί οἰκουμενική σύνοδος ἡ
ἐν Ἐφέσῳ συγκροτηθεῖσα ἐκ
θεσπίσματος τῶν εὐσεβεστάτων
βασιλέων τοῖ καθ' ἐκάστην ἐπαρχίαν
τε καί πόλιν ἐπισκόποι πρεσβύτεροι
10 διακόνοι καί παντὶ τῷ λαῷ.
Συναχθέντων ἡμῶν κατὰ τὸ εὐσεβέ
γράμμα ἐν τῇ Ἐφεσίῳ μητροπόλει,
ἀπεστάτησαν τινεὶ ἐξ ἡμῶν, ὅντε
τὸν ἀριθμὸν τριάκοντα μικρῷ πρό ,
25 ἐξάρχον τῇ ἐαυτῶν ἀποστασία
ἐσχηκότε τὸν τῇ Ἀντιοχείῳ
ἐπίσκοπον Ἰωάννην, ὃν καί τὰ
ὀνόματά ἐστι ταῦτα

Sancta et universalis synodus quae
in Epheso congregata est ex decreto
piissimorum principum, unicuique
sanctae synodo quae per singulas
mundi partes est, in domino
salutem. Nobis secundum pias
litteras congregatis in Ephesia
civitate, recesserunt nonnulli ex
nobis numero paulo amplius quam
triginta, principem suae apostasiae
habentes Antiochenorum episco-
pum Iohannem, quorum et nomina
haec sunt:

πρῶτο αὐτὸ Ἰωάννη ὁ Ἀντιο-
30 χεία Συρία

Idem Iohannes Antiochiae Syriae

1

i

οἵτινε τῇ ἐκκλησιαστικῇ κοινωνίᾳ ,
μηδεμίαν ἔχοντε ἄδειαν ὧ ἐξ
αὐθεντίας Ἱερατικῆ εἰ τὸ δύνασθαι
35 τινὰ βλάπτειν ἐκ ταύτῃ ἢ ὠφελεῖν
διὰ τὸ καί τινὰ ἐν αὐτοῖς εἶναι
καθηρημένου , πρό πάντων μὲν τὰ
Νεστορίου καί τὰ Κελεστίου φρονήμα-
τα ἐπιφερόμενοι σαφέστατα ἀπεδεί-
40 χθησαν ἐκ τοῦ μή ἐλέσθαι μεθ'

Qui habentes secum quosdam
depositos, ante omnia quidem Ne-
stori! et Caelestii sententias vindi-
cantes manifestissime demonstrati
sunt, eo quod nobiscum contra
Nestorium minime acquiescant;
quos et communi sententia sancta
synodus et omni ecclesiastica com-
munionem alienos effecit et cuncta

1 Sequuntur nomina aliorum 33 orientalium episcoporum.

and by the letter of our most holy father and fellow servant Celestine, bishop of the church of the Romans, to issue this sad condemnation against him, though we do so with many tears.

Our lord Jesus Christ, who has been blasphemed by him, has determined through this most holy synod that the same Nestorius should be stripped of his episcopal dignity and removed from the college of priests.

Synodical letter about the eastern bishops

The holy and ecumenical synod, gathered together in Ephesus at the behest of the most pious princes, [sends greeting] to the bishops, priests, deacons and the whole people in every province and city. When we had gathered together in accordance with the pious decree in the metropolis of Ephesus, some separated themselves from us, a little more than thirty in number. The leader of this apostasy was John, bishop of Antioch, and their names are as follows.

First the same John, bishop of Antioch in Syria,

1

These men, despite the fact that they were members of the ecclesiastical community, had no licence either to do harm through their priestly dignity or to do good, because some among their number had already been deposed. Their support of the views of Nestorius and Celestius was clearly shown by their refusal to condemn Nestorius together with us. By a common decree the sacred

¹ The names of 33 other eastern bishops follow.

ἡμῶν Νεστορίου καταψηφίσασθαι* οὐστὶνα δόγματι κοινῶ ἡ ἀγία σύνοδος πάσῃ μὲν ἐκκλησιαστικῇ κοινωνίᾳ ἀλλοτρίου ἐποίησεν, πᾶσαν δὲ αὐτῶν ἐνέργειαν Ἱερατικὴν περιεῖλεν, δι' ἣ ἡδύναντο βλάπτειν ἢ ὠφελεῖν τίνο .

Ἐπειδὴ¹ δὲ ἐχρὴν καὶ τοῦ ἀπολειφθέντα τῇ συνόδου καὶ μείναντα κατὰ χώραν ἢ πόλιν διὰ τινὰ αἰτίαν ἢ ἐκκλησιαστικὴν ἢ σωματικὴν μὴ ἀγνοῆσαι τὰ περὶ αὐτῶν τετυπωμένα, γνωρίζομεν τῇ ὑμετέρα ἀγιότητι τε καὶ ἀγάπῃ ὅτιπερ εἴτε ὁ μητροπολίτης τῇ ἐπαρχίᾳ ἀποστατήσα τῇ ἀγίᾳ καὶ οἰκουμένικῇ συνόδου προσέθετα τῷ τῇ ἀποστασία συνεδρίῳ ἢ μετὰ τοῦτο προστεθείῃ ἢ τὰ Κελεστίου ἐφρόνησεν ἢ φρονήσει, οὕτω κατὰ τῶν τῇ ἐπαρχίᾳ ἐπισκόπων διαπράττεσθαι τι οὐδαμῶς δύναται, πᾶσιν ἐκκλησιαστικῇ κοινωνίᾳ ἐντεῦθεν ἡδη ὑπὸ τῇ συνόδου ἐκβεβλημένο καὶ ἀνενέργητο ὑπαρχῶν, ἀλλὰ καὶ αὐτοῖς τοῖς τῇ ἐπαρχίᾳ ἐπισκόποις καὶ τοῖς περὶ μητροπολίταις τοῖς τὰ τῇ ὀρθοδοξίᾳ φρονούσιν ὑποκείσεται εἰ τὸ πάντῃ καὶ τοῦ βαθμοῦ τῇ ἐπισκοπῇ ἐκβληθῆναι.

Εἰ δὲ τινες² ἐπαρχιώται ἐπίσκοποι ἀπελείφθησαν τῇ ἀγίᾳ συνόδου καὶ τῇ ἀποστασίᾳ προσετέθησαν ἢ προστεθῆναι πειραθεῖεν ἢ καὶ ὑἱογράψαντες τῇ Νεστορίου καθαιρέσει ἐπαλινδρόμησαν πρὸ τὸ τῇ ἀποστασίᾳ συνέδριον, τοῦτου πάντῃ κατὰ τὸ δόξαν τῇ ἀγίᾳ συνόδῳ ἀλλοτρίου εἶναι τῇ ἱερῶσύνῃ καὶ τοῦ βαθμοῦ ἀποπίπτοντα .

Εἰ δὲ τινεῖς³ καὶ τῶν ἐν ἑκάστη πόλει ἢ χώρᾳ κληρικῶν ὑπὸ Νεστορίου καὶ τῶν σὺν αὐτῷ ὄντων

sacerdotii operatione privavit per quam possent vel nocere vel iuvare.

Quia¹ vero oportuit et eos qui defuerunt a synodo et perstiterunt in unaquaque prouincia, non ignorare quae de his decreta sint, notum vestrae facimus sanctitati quia sive metropolitanus quis cuiuslibet regionis abscedens ab hoc sancto et universali conventu, adiectus est ad illud apostasiae concilium vel post haec si se illi commiserit vel si ea quae sunt Caelestii, [post haec] sapuit sive sapuerit, contra suae regionis episcopos nihil poterit praevalere, omni ecclesiastica communione a praesenti iam hac synodo factus extorris atque privatus effectus; sed et ipsis suae regionis episcopis et affinibus undique metropolitanis, qui orthodoxe sentiunt, subiacebit, ut in totum et episcopatus gradu privetur.

Si vero² aliqui paroeciales episcopi, relicte hoc sancto concilio, eidem discessioni adiuncti sint aut adiungi temptaverint, aut si quis ex his qui subscripserunt deiectioni <Nestorii>, ad conventum reversi sint discessionis eiusdem, hos omnino secundum quod huic sanctae synodo placuit, esse sacerdotio alienos et ab eodem cadere gradu.

Si vero³ et quidam clericorum qui in unaquaque sunt civitate, a Nestorio vel ab his qui una sunt, eo

¹ Canon Eph. I.

² Canon Eph. II.

³ Canon Eph. III.

synod has expelled them from ecclesiastical communion and deprived them of the exercise of their priestly office, through which they have been able to harm some and help others.

Since* it is necessary that those who were absent from the synod and remained in the country¹ or the city, on account of their own church affairs or because of their health, should not be ignorant of the decisions formulated concerning these matters, we make it known to your holinesses that if any metropolitan of a province dissents from the holy and ecumenical synod and attaches himself to the assembly of the revolters, or should do so later, or should he have adopted the opinions of Celestius, or do so in the future, such a one is deprived of all power to take steps against the bishops of his province. He is thereby cast out by the synod from all ecclesiastical communion and is deprived of all ecclesiastical authority. Instead he is to be subjected to the bishops of his own province and the surrounding metropolitans, provided they be orthodox, even to the extent of being completely deposed from the rank of bishop.

If any² provincial bishops have absented themselves from the holy synod and have either attached themselves or attempted to attach themselves to the apostasy, or after subscribing the deposition of Nestorius have returned to the assembly of apostates, these, according to the decision of the holy synod, are to be deprived of the priesthood and deposed from their rank.

If any³ clerics either in city or country have been suspended by Nestorius and those with him from their priesthood because of their orthodoxy, we have

¹ Canon 1 of Ephesus. ² Canon 2 of Ephesus. ³ Canon 3 of Ephesus.

τή ιερωσύνη ἐκωλύθησαν διὰ τὸ ὀρθῶ φρονεῖν, ἐδικαιώσαμεν καὶ τοῦτου τὸν ἴδιον ἀπολαβεῖν βαθμόν, κοινῶ δὲ τοῦ τη ὀρθοδόξω καὶ οἰκουμενικῇ συνόδῳ συμφρονοῦντα κληρικοῦ κελεύομεν τοῖ ἀποστατήσασιν ἢ ἀφισταμένοι ἐπισκόποι μηδ' ὀλῶ ὑποκεῖσθαι κατὰ μηδέν᾽ αὐτῶν τρόπον.

10 Εἰ δὲ τινέ 1 ἀποστατήσασιν τῶν κληρικῶν καὶ τὸλμησασιν ἢ κατ' ἰδίαν ἢ δημοσίᾳ τὰ Νεστορίου ἢ τὰ Κελεστίου φρόνησα», καὶ τοῦτου εἶναι καθηρημένου ὑπὸ τη ἁγία
13 συνόδῳ δεδικαίωται.

Ἐποῖ 2 δὲ ἐπὶ ἀτόποι πράξεσιν κατεκρίθησαν ὑπὸ τῇ ἁγίᾳ συνόδῳ ἢ ὑπὸ τῶν οἰκείων ἐπισκόπων καὶ τοῦτοι ἀκανονίστω κατὰ τὴν ἐν ἁπασιν αὐτοῦ ἀδιαφορίαν ὁ Νεστόριος ἢ οἱ τὰ αὐτοῦ φρονοῦντες ἀποδοῦναι ἐπειράθησαν ἢ πειραθεῖεν κοινωσίαν ἢ βαθμόν, ἀνωφελήτου μένειν καὶ τοῦτου καὶ εἶναι οὐδέν ἡττον
15 καθηρημένου ἐδικαιώσαμεν.

Ἐμοίῳ 3 δὲ καὶ εἰ τινα βουλευθεῖεν τὰ περὶ ἑκάστου πεπραγμένα ἐν τῇ ἁγίᾳ συνόδῳ τῇ ἐν Ἐφέσῳ οἰωδήποτε τρόπῳ παρασαλεύειν,
30 ἢ ἁγία σύνοδος ὥρισεν, εἰ μὲν ἐπίσκοποι ἢ κληρικοὶ εἶεν, τοῦ οἰκείου παντελῶς ἀποπίπτειν βαθμοῦ· εἰ δὲ λαϊκοί, ἀκοινωνήτου ὑπάρχειν.

Ἐποῖ περὶ τῇ ἐν Νικαίᾳ πίστει

33

*Ἐν Νικαίᾳ σύνοδος πίστιν ἐθέτο ταύτην· Πιστεύομεν . . . 4

Τῇ μὲν οὖν ἁγίᾳ ταύτῃ πίστει πάντα συντίθεσθαι προσήκει· ἔχει
«0 γὰρ εὐσεβῶς καὶ ἀποχρῶντος εἰς ὠφέλειαν τῇ ὑπ' οὐρανόν. Ἐπειδὴ

quod recte sapèrent, ab officio suspensi sunt, et hos proprio gradui restitui sanximus, communiter vero eos clericos qui eadem sapiunt quae haec orthodoxa et universalis synodus, iubemus his qui abscesserunt sive abscessuri sunt, omnino non esse subiectos neque ullo modo subiacere.

Si quilibet vero abscesserint clericorum et praesumpserint vel clam vel palam ea quae Nestorii aut ea quae Caelestii sunt, sentire, et hos a sancta synodo esse depositos.

Quicumque 2 vero ob incongruis factis ab hoc sancto conventu deiectioni sunt seu ab episcopis propriis et his irregulariter circa indiscretionem per omnia suam Nestorius aut hi qui ea quae eius sunt, sentiunt, reddere communionem vel gradum temptaverint, absque ullo eos esse solacio et nihilo minus illos depositos permanere sancivimus.

Similiter 3 vero et si quicumque voluerint ea quae de singulis acta sunt in hac sancta synodo Ephesena, quolibet modo commovere, eadem sancta synodus definivit, si episcopi aut clerici fuerint, ut omni modo a gradu proprio excidant; si vero laici, sint communione privati.

Definitio de fide apud Nicaeam conscripta

Nicaena synodus hanc fidem exposuit: Credimus . . . *

Sanctae quidem huic fidei omnes consentire convenit; habet enim pie atque sufficienter ad utilitatem totius orbis terrae. Quia vero aliqui

1 Canon Eph. IV 2 Canon Eph. V

3 Canon Eph. VI; cf. conc. Carth. (419), c. 94 (CSP 355-356).

4 Sequitur symbolum nicaenum. V. p. 3 adn. 9 sub sigla E 2.

thought it right that these should regain their proper rank; and in general we decree that those clerics who are in agreement with the orthodox and ecumenical synod should in no way be subject to those bishops who have revolted or may revolt from it.

If any¹ clerics should apostatise and in private or in public dare to hold the views of Nestorius or Celestius, it is thought right that such should stand deposed by the holy synod.

Whoever have been condemned of improper practices by the holy synod or by their own bishops, and have been uncanonically restored to communion and rank by Nestorius or his sympathisers, with their habitual lack of discrimination, such persons we have decreed gain nothing by this and are to remain deposed as before.

Similarly³ if anyone should wish in any way to upset the decisions in each point taken in the holy synod of Ephesus, the holy synod decides that if they are bishops or clerics they should be completely deprived of their own rank and if they are laity they should be excommunicated.

Definition of the faith at Nicaea

The synod of Nicaea produced this creed: We believe...⁴

It seems fitting that all should assent to this holy creed. It is pious and sufficiently helpful for the whole world. But since some pretend to confess and accept it,

¹ Canon 4 of Ephesus. ² Canon 5 of Ephesus.

³ Canon 6 of Ephesus; see council of Carthage (419), canon 94 (CSP 355-356; trans. Percival 490).

⁴ The Nicene creed follows. See p. 3 note 9, under the sign E 2.

δέ τινέ προσποιούνται μέν ὁμολογεῖν αὐτήν καί συντίθεμαι, παρερμηνεύουσι δέ τῶν εννοιῶν τήν δύναμιν ἐπὶ τὸ αὐτοῖ δοκοῦν κα'ι σοφίζονται τήν ἀλήθειαν, πλάνη δντε υιοί καὶ ἀπωλεία τέκνα, ἐδέησεν ἀναγκαίῳ ἁγίων πατέρων καὶ ὀρθοδόξων παραθέσβαι χρήσει πληροφορήσαι δυναμένα τίνα τε τρόπον νενοήκασιν αὐτήν καὶ κηρύξαι τεΟαρρήκασιν, ὥστε δηλονότι καὶ πάντα τοῦ ὀρθήν καὶ ἀμώμητον ἔχοντα πίστιν οὕτω καὶ νοεῖν καὶ ἐρμηνεύειν καὶ κηρύττειν αὐτήν.

.....1

Τούτων τοίνυν ἀναγνωσθέντων, ὥρισεν² ἡ ἁγία σύνοδος ἑτέραν πίστιν μηδενὶ ἐξεῖναι προφέρειν ἢ γοῦν συγγράφειν ἢ συντιΟέναι παρὰ τήν ὀρισθεῖσαν παρὰ τῶν ἁγίων πατέρων τῶν ἐν τῇ Νικαέων συναχθέντων σὺν ἁγίῳ πνεύματι^Γ τοῦ δέ τολμώντα ἢ συντιΟέναι πίστιν ἑτέραν ἢ γοῦν προκομίζειν ἢ προφέρειν τοῖ ἐΟέλουσιν ἐπιστρέφειν εἰ ἐπίγνωσιν τῇ ἀλήθεια ἢ ἐξ Ἑλληνισμοῦ ἢ ἐξ Ἰουδαϊσμοῦ ἢ γοῦν ἐξ αἵρέσεω οἰασθηποτοῦν, τούτου, εἰ μέν εἶεν ἐπίσκοποι ἢ κληρικοί, ἀλλοτρίου εἶναι τοῦ ἐπισκόπου τῇ ἐπισκοπῇ καὶ τοῦ κληρικοῦ τοῦ κλήρου" εἰ δέ λαῖκοι εἶεν, ἀναΟεματίζεσθαι. Κατὰ τὸν ἴσον δέ τρόπον, εἰ φωραθεῖέν τινε εἴτε ἐπίσκοποι εἴτε κληρικοί εἴτε λαῖκοι ἢ φρονουντε ἢ διδάσκοντε τὰ ἐν τῇ προκομισΟείσῃ ἐκθέσει παρὰ Χαρισίου τοῦ πρεσβυτέρου περὶ τῇ ἐνανΟρωπήσεω τοῦ μονογενοῦ υιοῦ τοῦ θεοῦ ἢ γοῦν τὰ μιὰ καὶ διεστραμμένα Νεστορίου δόγματα, & καὶ ὑποτέτακται, ὑποκείσθωσαν τῇ ἀποφάσει τῇ ἁγία ταύτῃ καὶ

simulant quidem eam se confiteri et consentire, male autem interpretantur sensuum virtutem secundum quod eis placet, et circumveniunt veritatem, filii existentes erroris et nati perditionis, opus fuit necessario sanctorum patrum et orthodoxorum adicere testimonia quae satisfacere valeant quemammodum intellexerunt eam et praedicare praesumpserunt, ut palam sit quia omnes rectam et immaculatam habentes fidem sicut intellegunt et interpretantur et praedicant eam.

His igitur recitatis decrevit² sancta synodus aliam fidem nulli licere proferre vel conscribere vel componere praeter illam quae definita est a sanctis patribus qui Nicaeam per spiritum sanctum conuenerunt; illos vero qui audent fidem aliam vel componere vel proferre volentibus converti ad agnitionem veritatis sive ex gentilitate sive ex iudaismo sive ex alia qualibet haeresi, si episcopi quidem fuerint aut clerici, alienos esse episcopos ab episcopatu et clericos a clero; si vero laici sint, anathematizari. Simili modo si qui deprehensi fuerint sive episcopi sive clerici vel laici vel credentes vel docentes ea quae scripta sunt in expositione quae a Charisio presbytero prolata est de inhumanatione unigeniti filii dei, aut certe polluta et perversa Nestorii dogmata, quae etiam subiecta sunt, eos subiacere sententiae sanctae huius et universalis synodi, ita ut sit palam episcopum quidem alienum fore episcopatu et deponendum, clericum vero a clero similiter summovendum et

1 Sequuntur florilegium locorum ex scriptis patrum et gesta de Charisio presbytero.

1 Hinc usque ad finem = Canon Eph. VII.

while at the same time distorting the force of its expressions to their own opinion and so evading the truth, being sons of error and children of destruction, it has proved necessary to add testimonies from the holy and orthodox fathers that can fill out the meaning they have given to the words and their courage in proclaiming it. All those who have a clear and blameless faith will understand, interpret and proclaim it in this way.

I

When these documents had been read out, the holy synod decreed the following. It is not permitted to produce or write or compose any other creed except the one which was defined by the holy fathers who were gathered together in the holy Spirit at Nicaea. Any who dare to compose or bring forth or produce another creed for the benefit of those who wish to turn from Hellenism or Judaism or some other heresy to the knowledge of the truth, if they are bishops or clerics they should be deprived of their respective charges and if they are laymen they are to be anathematised. In the same way if any should be discovered, whether bishops, clergy or laity, thinking or teaching the views expressed in his statement by the priest Charisius about the incarnation of the only-begotten Son of God or the disgusting, perverted views of Nestorius, which underlie them, these should be subject to the condemnation of this holy and ecumenical synod. A bishop clearly is to be stripped of his bishopric and

¹ At this point there follows a florilegium of the writings of the fathers and an account of what was done about the priest Charisius.

² From here to the end = Canon 7 of Ephesus.

οικουμενική συνόδου, ὥστε δηλονότι
τόν μὲν ἐπίσκοπον ἀλλοτριουσθαι
τῇ ἐπίσκοπῇ καὶ εἶναι καθηρημένον,
τόν δὲ κληρικόν ὁμοίῳ ἐκπίπτειν
τοῦ κλήρου* εἰ δὲ λαϊκὸ τι εἴη,
καὶ οὗτο ἀναθεματιζέσθω καθά
προεῖρηται.

esse depositum; si vero laicus sit, et
ille anathematizetur sicut praedic-
tum est.

"Ορο κατὰ τῶν δυσσεβῶν μεσσα-
λιανιτῶν ἢ γοῦν εὐχιτῶν

Definitio contra impios messali-
anitas hoc est euchitas sive en-
thusiastas

io Συνελθόντε ἐφ' ἡμῶν οἱ εὐλαβέστα-
τοι καὶ θεοφιλέστατοι ἐπίσκοποι
Οὐαλεριανὸ καὶ Ἀμφιλόχιο καὶ
σκέψιν προθέντε κοινήν περὶ τῶν
λεγομένων ἐν τοῖ τη Παμφυλία
is μέρεσι μεσσαλιανιτῶν εἴτουν εὐχι-
τῶν ἢ γοῦν ενθουσιαστῶν εἴτε
ὅπως οὖν ἢ μιαιρωτάτῃ τῶν μνημονευ-
Οέντων αἵρεσι σαφηνισθεῖη, ἡμῶν δὲ
διασκοποῦντων, προεκόμισεν ὁ εὐλα-
10 βέστατο καὶ θεοσεβέστατο ἐπίσκο-
πο Οὐαλεριανὸ χαρτίον συνοδικόν
περὶ τούτων αὐτῶν συνταχθέν ἐν τη
μεγάλῃ Κωνσταντινουπόλει ἐπὶ τοῦ
μακαρία μνήμῃ Σίσιννιου¹ δ καὶ
is ἀναγνωσθέν ἐπὶ πάντων ἐδοξεν εὐ
πεποιήσθαι καὶ ὀρθῶ εἶχειν. Καὶ
συνηρεσεν ἀπασιν ἡμῖν καὶ τοῖ
θεοφιλεστάτοι ἐπίσκοποι Οὐαλε-
ριανῶ καὶ Ἀμφιλοχίῳ καὶ πασι
30 τοῖ τῶν Παμφύλων καὶ Λυκαόνων
ἐπαρχιῶν εὐλαβεστάτοι ἐπίσκο-
ποι τὰ ἐν τῷ συνοδικῷ χαρτίῳ
τυπωθέντα κρατεῖν ἀπαντα καὶ κατὰ
μηδένᾳ τρόπον παραβαίνεσθαι αὐτά,
as βεβαίῳ ὄντων δηλαδὴ καὶ τῶν
πεπραγμένων ἐν Ἀλεξάνδρειᾳ, ὥστε
τοῦ ὄντα κατὰ πάσαν ἐπαρχίαν τη
μεσσαλιανῶν ἢ γοῦν ενθουσιαστῶν
αἵρέσει ἢ καὶ ἐν ὑποψίᾳ τη τοι-

Venientes ad nos pientissimi et
religiosissimi episcopi Valerianus
et Amphilocheus proposuerunt in
communi considerandum de mes-
salianitis, hoc est euchitis vel enthu-
siasms, qui in Pamphylia versantur,
vel quocumque nomine contami-
natissima haeresis vocatur. At no-
bis considerantibus attulit pientis-
simus et religiosissimus episcopus
Valerianus schedulam synodicam de
illis compositam in magna Constan-
tinopoli sub beatae memoriae Sisin-
nii. Quae ubi lecta, ab omnibus
probata est, quod bene sit condita
recteque habeat, et placuit nobis
omnibus et pientissimis episcopis
Valeriano et Amphilochio et omni-
bus Pamphylicae et Lycaoniae pro-
vinciarum pientissimis episcopis, ut
omnia quae in synodica charta con-
tenta, robur habeant, et nullo modo
praetereunda, et solida sint et ea
quae in Alexandria acta sunt, ita ut
omnes qui per universam provin-
ciam haeretici messaliani vel enthu-
siastae sunt vel de eius haereseos
morbo suspecti, sive clerici sive
laici sint, convenientur et si quidem
anathematizaverint iuxta ea quae in

¹ Cf. Grumel, 49.

deposed, a cleric to be deposed from the clergy, and a lay person is to be anathematised, as was said before.

Definition against the impious Messalians or Euchites

The most pious and religious bishops Valerian and Amphilochius came together to us and made a joint enquiry about the so called Messalians or Euchites or Enthusiasts, or whatever name this appalling heresy goes under, who dwell in the region of Pamphylia. We made investigation and the god-fearing and reverent Valerian produced a synodical document concerning these people, which had been drawn up in great Constantinople in the time of Sisinnius of blessed memory¹. When this had been read out in the presence of all, it was agreed that it had been well made and was correct. We all agreed, as did the most religious bishops Valerian and Amphilochius and all the pious bishops of the provinces of Pamphylia and Lycaonia, that what had been inscribed in the synodical document should be confirmed and in no way disobeyed, clearly without prejudice to the acts of Alexandria. Consequently those anywhere in that province who subscribed to the heresy of the Messalians or Enthusiasts, or who were suspected of the disease, whether clerical or lay, are to come together; if they sign

¹ See Grumel, 49,

αὕτη νόσου γεγεννημένου, εἴτε κλη-
 ρικοί εἴεν εἴτε λαϊκοί, μεθοδεύεσθαι,
 καὶ ἀναθεματίζοντα κατὰ τὰ ἐν τῷ
 μνημονευθέντι συνοδικῷ διηγορευ-
 μένα ἐγγράφῳ, μένειν τοῦ μὲν
 κληρικοῦ ἐν τῷ κλήρῳ, τοῦ δὲ
 λαϊκοῦ ἐν τῇ κοινωνίᾳ τῇ ἐκκλησίᾳ ἡ
 ἀνανεύοντα δὲ πρὸ τούτου καὶ μὴ
 ἀναθεματίζοντα, τοῦ μὲν πρεσβυτέ-
 ρου καὶ διακόνου καὶ τοῦ ἑτερόν
 τινα βαθμὸν ἔχοντα ἐν ἐκκλησίᾳ
 ἐκπίπτειν καὶ κλήρου καὶ βαθμοῦ καὶ
 κοινωνίας, τοῦ δὲ λαϊκοῦ ἀναθε-
 ματίζεσθαι. Μοναστήρια δὲ μὴ συγ-
 χωρεῖσθαι ἔχειν τοῦ ἐλεγχομένου
 ὑπὲρ τοῦ μὴ τὸ ζιζάνιον ἐκτείνεσθαι
 καὶ ἰσχύειν πράττεσθαι δὲ ταῦτα -αν-
 τι σθένει χρωμένων τῇ ἐπὶ τούτων
 σπουδῇ αὐτῶν τε καὶ τῶν θεοφι-
 λεστῶν ἐπισκόπων Οὐαλεριανοῦ
 καὶ Ἀμφιλοχίου καὶ τῶν κατὰ
 πᾶσαν τὴν ἐπαρχίαν εὐλαβεστῶν
 ἐπισκόπων. Συνήρεσε δὲ πρὸ τούτοι
 ἀναθεματισθῆναι τὸ βιβλίον τὸ προ-
 φερόμενον τῇ μίαιρᾳ ἐκείνῃ αἰρέ-
 σεω τὸ λεγόμενον παρ' αὐτοῦ
 Ἀσκητικόν, τὸ προκομισθὲν παρὰ
 τοῦ εὐλαβεστάτου καὶ θεοφιλέστατου
 ἐπισκόπου Οὐαλεριανοῦ, ὃ παρὰ
 τῶν αἰρετικῶν ἐκτεθὲν, καὶ ἐν τι
 ἑτέρῳ σύνταγμα τῇ ἐκείνων ἀνοσιό-
 τητῳ εὐρίσκειτο παρὰ τισι, καὶ
 τούτου εἶναι ἀνάθεμα. Ἐπὶ τούτοι
 ἀλλήλοι συμβεβηκότων τότε εἰ-
 ὁμοψυχίαν καὶ κοινωνίαν καὶ διάθεσιν,
 ἀναγκαῖον ἦν ἐγγράφῳ τὰ δόξαντα
 φανερά καταστήσατο εἰ δὲ δὴ τι
 γένηται ζήτησι περὶ τούτων ἐν
 τῷδε τῷ πράγματι αὐτοῖς τε τοῖς
 θεοσεβεστάτοις ἐπισκόποις Οὐαλερια-
 νῷ καὶ Ἀμφιλοχίῳ καὶ τοῖς κατὰ
 πᾶσαν τὴν ἐπαρχίαν εὐλαβεστάτοις
 ἐπισκόποις καὶ εἴ τι δόξειεν ἀνακύ-
 πτειν τῶν δυσχερῶν ἢ ἀμφισβητησίμων,
 εὐ ἐδοξεν ἔχειν παραληφθέν-
 των τῶν θεοσεβεστῶν ἐπισκόπων ἢ
 Λυκίων ἢ Λυκαόνων, οὐκ ἀπολιμ-
 πανομένου τοῦ μητροπολίτου ἢ ἂν
 ἐλοιτο ἐπαρχία, εἰ τύπον ἀνάγεσθαι
 τὸν δέοντα διὰ τῇ αὐτῶν μεσιτεία
 τὰ κινούμενα.

praedicto synodico scripto pro-
 nuntiata sunt, in scriptis, si clerici
 fuerint, maneant clerici, si laici, ad
 communionem admittantur. Quod-
 si rennuerint anathematizare, si
 presbyteri vel diaconi fuerint vel in
 alio quopiam gradu ecclesiae, exci-
 dant et a clero et a gradu et a com-
 munionem; laici vero anathematizen-
 tur. Convicti quoque non permit-
 tantur habere monasteria, ut ne
 zizaniae diffundantur et crescant.
 Haec ut sic agantur, omnes vires
 intendant pientissimi episcopi Va-
 lerianus et Amphilochius ceterique
 reverentissimi totius provinciae epi-
 scopi. Unde ad haec placuit librum
 pollutae illius haereseos, qui dicitur
 Asceticon, anathematizari, quem
 attulerat religiosissimus et pientis-
 simus Valerianus, utpote ab haere-
 tics compositum; similiter si quid
 illorum impietatem sapiens apud
 plerosque inveniatur, etiam hoc
 anathema sit. Praeterea dum conve-
 niunt, quae utilia et necessaria ad
 concordiam et communionem et
 dispositionem, manifeste scriptis
 commenduntur; si autem quaestio
 oborta de his quae in hoc negotio
 sunt, et si quid difficile et ambiguum
 fuerit, quod pientissimis episcopis
 Valeriano et Amphilochio ceteris-
 que per totam provinciam episco-
 pis non probatur, admotis scriptu-
 ris omnia excutere debent, et si
 relictis fuerint pientissimi episcopi
 vel Lyciorum vel Lycaoniorum, non
 relinquatur tamen metropolitanus
 provinciae, cuiuscumque fuerit, in
 commentarios haec referenda, ut si
 qui opus habent iis, inveniant quo
 etiam aliis ea diligentius exponant.
 εὐ ἐδοξεν ἔχειν παραληφθέν-
 των τῶν θεοσεβεστῶν ἐπισκόπων ἢ
 Λυκίων ἢ Λυκαόνων, οὐκ ἀπολιμ-
 πανομένου τοῦ μητροπολίτου ἢ ἂν
 ἐλοιτο ἐπαρχία, εἰ τύπον ἀνάγεσθαι
 τὸν δέοντα διὰ τῇ αὐτῶν μεσιτεία
 τὰ κινούμενα.

the anathemas according to what was promulgated in the aforementioned synod, should they be clergy they should remain such and if laity they are to remain in communion. But if they decline and do not anathematise, if they are presbyters or deacons or hold any other rank in the church, they are to forfeit their clerical status and grade and communion, and if they are laity let them be anathematised.

In addition, those who have been condemned are not to be permitted to govern monasteries, lest tares be sown and increase. The vigorous and zealous execution of all these decrees is enjoined upon the reverent bishops Valerian and Amphilochius and the other reverent bishops throughout the whole province. Furthermore it seemed good that the filthy book of this heresy, which has been published and is called by them *Asceticon*, should be anathematised, as being composed by heretics, a copy of which the most pious and religious Valerian brought with him. Any other production savouring of the like impiety which is found anywhere is to be treated similarly.

In addition, when they come together, they should commit clearly to writing whatever conduces to the creation of concord, communion and order. But if any discussion should arise in connexion with the present business among the most godly bishops Valerian, Amphilochius and the other reverent bishops in the province, and if something difficult or ambiguous crops up, then in such a case it seems good that the godly bishops of Lycia and Lycaonia should be brought in, and the metropolitan of whatever province these choose should not be left out. In this way the disputed questions should through their means be brought to an appropriate solution.

ψήφο περί τοῦ διότι οἱ
Κύπριοι δι' ἑαυτῶν τὰ
χειροτονία ποιοῦνται¹

Votum: quod episcopi Cyprii
ordinationes per se ipsos faciant¹

Ἡ ἀγία σύνοδος εἶπε·

- 4 Πράγμα παρὰ τοῦ ἐκκλησιαστικοῦ
θεσμοῦ καὶ τοῦ κανόνα τῶν ἁγίων
πατέρων καινοτομοῦμενον καὶ τῇ
πάντων ἐλευθερία ἀπτόμενον προσ-
ῆγγειλεν ὁ θεοσεβέστατο συνεπι-
10 σκοπο *Ρηγῖνο καὶ οἱ σὺν αὐτῷ εὐλα-
βέστατοι ἐπίσκοποι τῇ Κυπρίων
ἐπαρχία Ζήνων καὶ Εὐάγριο . "Ο-
θεν ἐπειδὴ τὰ κοινὰ πάθη μείζονο
δεῖται τῇ θεραπείᾳ , ὡ καὶ μείζονα
15 τὴν βλάβην φέροντα, εἰ μὴδὲ ἐθο
ἀρχαῖον παρηκολούθησεν, ὥστε τὸν
ἐπίσκοπον τῇ Ἀντιοχείῳ πόλει
τὰ ἐν Κύπρῳ ποιεῖσθαι χειροτονία ,
καθὰ διὰ τῶν λιβέλλων καὶ τῶν οἰ-
20 κείων φωνῶν ἐδίδαξαν οἱ εὐλαβέ-
στατοι ἄνδρες οἱ τὴν πρόσοδον τῇ
ἀγίᾳ συνόδῳ ποιησάμενοι, ἐξουσιν
τὸ ἀνεπηρέαστον καὶ ἀβίαστον οἱ τῶν
ἁγίων ἐκκλησιῶν τῶν κατὰ τὴν Κύ-
25 προν προεστώτε , κατὰ τοῦ κανό-
να τῶν οἰκίων πατέρων καὶ τὴν
ἀρχαίαν συνήθειαν δι' ἑαυτῶν τὰ
χειροτονία τῶν εὐλαβεστάτων
ἐπισκόπων ποιοῦμενοι. Τὸ δὲ αὐτὸ
30 καὶ ἐπὶ τῶν ἄλλων διοικήσεων καὶ
τῶν ἀπανταχοῦ ἐπαρχιῶν παραφυ-
λαχθήσεται, ὥστε μὴδὲνα τῶν
θεοφιλέστατων ἐπισκόπων ἐπαρχίαν
ἕτερον οὐκ οὖσαν ἀνωθεν καὶ ἐξ
35 ἀρχῆς ὑπὸ τὴν αὐτοῦ ἡ γούν τῶν
πρὸ αὐτοῦ χεῖρα καταλαμβάνειν'
ἀλλ' εἰ καὶ τι κατέλαβε καὶ ὑφ'
ἑαυτὸν πεποιῆται βιασάμενο , τοῦτον
ἀποδιδόναι, ἵνα μὴ τῶν πατέρων οἱ
40 κανόνες παραβαίνωνται, μὴδὲ ἐν

Sancta synodus dixit:

Rem hanc quae praeter ecclesiasti-
cas constitutiones et sanctorum pa-
trum canones innovatur et omnium
libertatem attingentem annuntiavit
pientissimus episcopus Reginus et
qui cum eo pientissimi episcopi
provinciae Cypri Zenon et Evagri-
us. Unde quoniam communes morbi
maiore egent remedio, eo quod
maius damnum afferant, si non est
vetus mos quod episcopus Antio-
chenus ordinat in Cypro, sicut libel-
lis et propriis vocibus docuerunt
pientissimi viri sanctarum ecclesia-
rum in Cypro praesules, qui ad sanc-
tam synodum accesserunt, a nullo
impetantur vel vim patiantur, se-
cundum canones sanctorum patrum
et veterem consuetudinem per se ip-
sos ordinationes pientissimorum
episcoporum facientes. Istud etiam
in aliis dioecesibus et in omnibus
provinciis servetur, ut nullus pien-
tissimorum episcoporum aliam pro-
vinciam, quae non antea et ab initio
fuit suae, sub suam vel saltem eorum
qui sibi praesunt, manum trahat;
sed si quis apprehenderit et in suam
fecerit, eam restituat, ut ne patrum
canones praetereantur neque sub
sacerdotii praetextu mundanae po-
testatis fastum subintroducat, ne
paulatim et clam libertas amittatur
quam nobis donavit proprio sangui-
ne dominus noster Iesus Christus
omnium hominum liberator. Visum

¹ Cf. conc. Nie. I, cc. 6-7 (v. supra p. 9); conc. Constantin. I, c. 2 (v. supra pp. 31-32);
Can. ap. 34-35 (CSP 24); conc. Antioch. (341), cc. 9, 13, 22 (CSP 110, 114, 121); conc.
Sard. (342/343), cc. 3, 11, 12 (CSP 162-163, 175-176).

Resolution: that the bishops of Cyprus may themselves conduct ordinations[†]

The holy synod declared:

The most reverent bishop Rheginus and with him Zenon and Evagrius, revered bishops of the province of Cyprus, have brought forward what is both an innovation against the ecclesiastical customs and the canons of the holy fathers and concerns the freedom of all. Therefore, since common diseases need more healing as they bring greater harm with them, if it has not been a continuous ancient custom for the bishop of Antioch to hold ordinations in Cyprus — as it is asserted in memorials and orally by the religious men who have come before the synod — the prelates of the holy churches of Cyprus shall, free from molestation and violence, use their right to perform by themselves the ordination of reverent bishops for their island, according to the canons of the holy fathers and the ancient custom.

The same principle will be observed for other dioceses and provinces everywhere. None of the reverent bishops is to take possession of another province which has not been under his authority from the first or under that of his predecessors. Any one who has thus seized upon and subjected a province is to restore it, lest the canons of the fathers be transgressed and the arrogance of

[†] See council of Nicaea I, canons 6-7 (see above p. 9); council of Constantinople I, canon 2 (see above pp. 31-32); Apostolic canons 34-35 (CSP 24; trans. Percival 596); council of Antioch (341), canons 9, 13, 22 (CSP 110, 114, 121; trans. Percival 112, 115, 119); council of Sardica (342/343), canons 3, 11, 12 (CSP 162-163, 175-176; trans. Percival 416-417, 425-427).

Ιερουργία προσχήματι ἐξουσία τύ-
φο κοσμική παρεισδύηται, μηδέ
λάθωμεν τήν ελευθερίαν κατὰ μικρόν
ἀπολέσαντε, ἣν ἡμῖν ἐδωρήσατο
τῷ ἰδίῳ αἵματι ὁ κύριο ἡμῶν
Ἰησοῦ Χριστό ὁ πάντων ἀνθρώπων
ἐλευθερωτή. Ἐδοξεν τοίνυν τῇ αγία
καί οἰκουμενική συνόδῳ σῶζεσθαι
ἐκαστὴ ἐπαρχία καθαρὰ καί ἀβίαστα
τὰ αὐτῇ προσόντα δίκαια ἐξ ἀρχῇ
καί ἀνωθεν κατὰ τὸ πάλαι κρατήσαν
ἔθῳ, ἀδειαν ἔχοντο ἐκαστοῦ μητρο-
πολίτου τὰ ἴσα τῶν πεπραγμένων
πρὸ το οἰκεῖον ἀσφαλὲ ἐκλαβεῖν. Εἰ δέ τι μαχόμενον τύπον τοῖ νῦν
ῶρισμένοι προκομίσοι. ἀκυρον τοῦτον εἶναι ἐδοξεν τῇ αγία πάσῃ καί 15
οἰκουμενική συνόδῳ.

Γράμματα περὶ τῇ εἰρήνῃ

Περὶ δέ τῇ Θεοτόκου παρθένου ὅπως
καί φρονούμεν καί λέγομεν, τοῦ τε
τρόπου τῇ ἐνανθρωπήσει τοῦ μονο-
γενοῦ ® υἱοῦ τοῦ θεοῦ ἀναγκαίῳ, οὐκ
ἐν προσθήκῃ μέρει, ἀλλ' ἐν πλη-
ροφορία εἶδει, ὡς ἀνωθεν ἐκ τῶν
θείων γραφῶν ἐκ τῇ παραδόσει
τῶν ἁγίων πατέρων παρειληφότε
ἐσχήκαμεν, διὰ βραχέων ἐρούμεν,
οὐδέν τὸ σύνολον προστιθέντε τῇ
τῶν ἁγίων πατέρων τῶν ἐν Νικαία
ἐκτεθείσῃ πίστει. *Ω γὰρ ἐφθήμεν
εἰρηκότε, πρὸ πάσαν ἐξαρκεῖ καί
εὐσεβεία γνώσιν καί πάσῃ αἰρετικῇ
κακοδοξίᾳ ἀποκήρυξιν! Ἐρούμεν δέ
'/> κατατολμώντε τῶν ἀνέφικτων,
ἀλλὰ τῇ ὁμολογίᾳ τῇ οἰκεῖᾳ ἀσθε-
νεῖα ἀποκλείοντε τοῖ ἐπιφύεσθαι
βουλομένοι ἐν οἷ τὰ ὑπὲρ ἀνθρώπου
διασκεπτόμεθα.

Ὁμολογοῦμεν P τοιγαροῦν τὸν κύ-
ριον ἡμῶν Ἰησοῦν τὸν Χριστόν τὸν Υἱόν
τὸν τῷ θεοῦ τὸν μονογενῆ, θεόν

igitur est sanctae et universali syn-
odo servari per unamquamque pro-
vinciam purum et nullam tyranni-
dem passum ius vetus ac consuetu-
dinem veterem, opus habente uno s
quoque metropolitano ut ad suam
securitatem exemplaria actorum ex-
cipiat. Si autem quis veterem figu-
ram contempserit, poenam non
effugiet; et si quis his quae nunc 10
decreta sunt, pugnantes litteras at-
tulerit, irritas esse decrevit sancta et
universalis synodus.

Formula unionis

De dei genetrice autem virgine
quomodo et sapimus et dicimus, et
de modo inhumanationis unigeniti 20
filii dei necessario, non in adiectio-
nis parte, sed in satisfactionis specie,
sicut olim et ex sanctis scripturis et
ex traditione sanctorum patrum
percipientes habuimus, breviter 25
enarramus, nihil penitus adicientes
sanctorum patrum Nicaea con-
venientium expositae fidei. Sicut
enim praevenimus dicentes, ad
omnem sufficit et pietatis agnitio- 30
nem et totius haereticae pravitatis
abdicationem¹. Dicimus autem non
praesumentes contra ea quae in-
comprehensibilia sunt, sed con-
fessione propriae infirmitatis exclu- 35
dentes eos qui insurgere volunt in
quibus ea quae sunt ultra hominem,
cogitamus.

Confitemur itaque dominum nos-
trum Iesum Christum filium dei «
unigenitum, deum perfectum et

® μονογεντοδ om. C

& bine incipit D

T τὸν om. BCD

¹ Cf. supra, Definitionem de fide Nicaena, p. 64 .

secular power effect an entry through the cover of priestly office. We must avoid bit by bit destroying the freedom which our lord Jesus Christ, the liberator of all people, gave us through his own blood. It is therefore the pleasure of the holy and ecumenical synod to secure intact and inviolate the rights belonging to each province from the first, according to the custom which has been in force from of old. Each metropolitan has the right to take a copy of the proceedings for his own security. If any one produces a version which is at variance with what is here decided, the holy and ecumenical synod unanimously decrees it to be of no avail.

Formula of union

We w'll state briefly what we are convinced of and profess about the God-bearing virgin and the manner of the incarnation of the only begotten⁰¹ Son of God — not by way of addition but in the manner of a full statement, even as we have received and possess it from of old from the holy scriptures and from the tradition of the holy fathers, adding nothing at all to the creed put forward by the holy fathers at Nicaea. For, as we have just said, that creed is sufficient both for the knowledge of godliness and for the repudiation of all heretical false teaching[‡]. We shall speak not presuming to approach the unapproachable; but we confess our own weakness and so shut out those who would reproach us for investigating things beyond the human mind.

We confess¹¹, then, our lord Jesus Christ, the only begotten Son of God, perfect God and perfect man of a rational soul and a body, begotten before all ages from the Father in his godhead, the same in the last days, for us and for our

“ only begotten *omitted in C.* β *D begins here.*

¹ See above, Definition of the faith at Nicaea, p. 64.

τέλειον καὶ ἄνθρωπον τέλειον ἐκ
 ψυχῇ λογικῇ καὶ σώματι, πρὸ
 αἰώνων μὲν ἐκ τοῦ πατρὸς γεννηθέντα
 κατὰ τὴν θεότητα, ἐπ' ἐσχάτου δέ
 τῶν ἡμερῶν τὸν αὐτὸν δι' ἡμᾶς καὶ
 διὰ τὴν ἡμετέραν σωτηρίαν⁵ ἐκ
 Μαρίας τῆς παρθένου κατὰ τὴν
 ἀνθρωπότητα, ὁμοούσιον τῷ πατρὶ
 τὸν αὐτὸν κατὰ τὴν θεότητα καὶ
 ὁμοούσιον ἡμῖν κατὰ τὴν ἀνθρωπότη-
 τα. Δύο γὰρ φύσεων ἐνώσει γέγονεν*
 ὁ ἓν Χριστόν, ἓν υἱόν, ἓν
 κύριον ὁμολογοῦμεν. Κατὰ ταύτην
 τὴν τῆς ἀσυγχύτου ἐνώσεως ἐννοιαν
 ὁμολογοῦμεν τὴν ἁγίαν παρθένον
 Θεοτόκον διὰ τὸ τὸν θεὸν λόγον
 σαρκωθῆναι καὶ ἐνανθρωπήσαι καὶ
 ἐκ αὐτῆς τῆς συλλήψεως ἐνώσει
 ἑαυτῷ τὸν ἐκ αὐτῆς ληφθέντα ναόνε.
 20 Τὰ δὲ εὐαγγελικὰ καὶ ἀποστολικά
 περὶ τοῦ κυρίου φωνᾷ ἴσμεν τοῦ
 θεολόγου ἄνδρα τὰ μὲν κοι-
 νοποιοῦντα ὡς ἐφ' ἐνὸς προσώπου,
 τὰ δὲ διαίρουντα ὡς ἐπὶ δύο
 55 φύσεων καὶ τὰ μὲν θεοπρεπεῖς κατὰ
 τὴν θεότητα τοῦ Χριστοῦ, τὰ δὲ
 ταπεινὰ κατὰ τὴν ἀνθρωπότητα
 αὐτοῦ" παραδιδόντα.

hominem perfectum ex anima ratio-
 nali et corpore, ante saecula quidem
 ex patre natum secundum divinita-
 tem, in novissimis autem diebus
 eundem propter nos et nostram
 salutem ex Maria virgine secundum
 humanitatem, consubstantiali pat-
 ri secundum deitatem eundem et
 consubstantiali nobis secundum
 humanitatem. Duarum enim natura-
 rum unio facta est, propter quod
 unum Christum, unum filium,
 unum dominum confitemur. Secun-
 dum hanc inconfusae unionis
 intelligentiam confitemur sanctam
 virginem dei genetricem eo quod
 deus verbum incarnatus sit et in-
 humanatus et ex ipso conceptu
 univertit sibi illud quod ex ea
 sumptum est templum. Evangelicas
 autem et apostolicas de domino
 voces novimus deiloquos viros alias
 quidem communificantes tamquam
 super una persona, alias autem
 dividentes tamquam super duabus
 naturis et deodecentes quidem se-
 cundum deitatem Christi, humiles
 autem secundum humanitatem eius
 tradentes.

80 Κυρίλλου ἐπιστολὴ πρὸς Ἰωάννην τὸν
 Ἀντιοχείαν περὶ τῆς εἰρήνης 1

Cyrilli epistula ad Iohannem
 Antiochenum de pace 1

Ταῦτα 2 ὑμῶν ἐντυχόντες ταῖς ἱεραῖς
 φωναῖς οὕτως τε καὶ ἑαυτοῦ προ-
 νοῦντα εὐρίσκοντες („εἰ γὰρ κύριος,
 » μία πίστις, ἐν βάπτισμα"3), ἐδοξά-
 σαμεν τὸν τῶν ὅλων σωτῆρα θεόν,
 ἀλλήλοις συγχαίροντες ὅτι ταῖς θεο-
 πνεύστοις γραφαῖς καὶ τῇ παραδόσει
 τῶν ἁγίων ἡμῶν πατέρων συμβαί-
 40 νουσιν ἔχουσιν πίστιν αἱ τε παρ' ἡμῖν

His² vestris relectis sacris vocibus
 atque ita et nos sapere invenientes
 (unus enim deus, una fides, unum
 baptisma*) glorificavimus omnium
 salvatorem deum, alterutris con-
 gaudentes quoniam scripturis divi-
 nitus inspiratis et traditioni sancto-
 rum patrum nostrorum consonan-
 tem fidem habent nostrae et vestrae

⁵ τὸν αὐτὸν ... σωτηρίαν ow. *D*

⁶ *bic deficit D*

^ζ αὐτοῦ *am. B- codd C*

1 Omittitur epistolae praefatio.

1 Praeedit formula unionis, vide supra.

³ Eph4, 5.

salvation*, born of Mary the virgin, according to his humanity, one and the same consubstantial with the Father in godhead and consubstantial with us in humanity, for a union of two natures took place. Therefore we confess one Christ, one Son, one Lord. According to this understanding of the unconfused union, we confess the holy virgin to be the mother of God because God the Word took flesh and became man and from his very conception united to himself the temple he took from her⁶. As to the evangelical and apostolic expressions about the Lord, we know that theologians treat some in common as of one person and distinguish others as of two natures, and interpret the god-befitting ones in connexion with the godhead of Christ and the lowly ones with his humanity.

Letter of Cyril to John of Antioch about peace¹

Having² read these holy phrases and finding ourselves in agreement (for “there is one Lord, one faith, one baptism”³), we have given glory to God who is the saviour of all and rejoice together that our churches and yours are at one in professing the same faith as the inspired scriptures and the tradition of our holy

⁶ the same, for us ... salvation *omitted in D*.

⁶ *D ends here.*

¹ We omit the preface of the letter.

² The letter begins with the formula of union, see above. ³ Eph 4, 5

καί αἱ παρ' ὑμῖν ἐκκλησίαι. Ἐπειδή δέ ἐπυθόμην τῶν φιλοσογεῖν εἰωθότων τινὰ σφηκῶν αγρίων δίκην πχριβομβεῖν καί μοχθηροῦ ἐρεῦγεσθαι κατ' ἐμοῦ λόγου, ὡς ἐξ οὐρανοῦ κατακομισθέν καί οὐκ ἐκ τῆς αγίας παρθένου λέγοντο τὸ ἅγιον σῶμα Χριστοῦ, δεῖν ἱρήθην ὀλίγα περὶ τούτου πρό αὐτοῦ εἰπεῖν. Ἰὼ ἀνόητοι καί μόνον εἰδότες τὸ συκοφαντεῖν, πῶς εἰ τούτο παρηνέχθητε ῥώμῃ καί τοσαύτην νενοσήκατε τὴν μωρίαν; Ἐδει γάρ *δει σαφῶς ἐννοεῖν ὅτι σχεδὸν ἅπα ἡμῖν ὁ ὑπὲρ τῆς πίστεως ἀγῶν συγκεκρότηται διαβεβαιουμένοι ὅτι Θεοτόκο ἐστὶν ἡ αγία παρθένο. Ἀλλ' εἵπερ ἐξ οὐρανοῦ καί οὐκ ἐξ αὐτῆς τὸ ἅγιον σῶμα γεγεννησθαι φαμέν τοῦ πάντων ἡμῶν σωτηροῦ Χριστοῦ, πῶς ἂν ἐτι νοοῖτο Θεοτόκο; Τίνα γάρ οὕτως τέτοκεν, εἰ μὴ ἐστὶν ἀληθές ὅτι γεγέννηκε κατὰ σάρκα τὸν Εμμανουήλ; Γελάσθωσαν τοίνυν οἱ ταῦτα περὶ ἐμοῦ πεφλυαρηκότες. Οὐ γάρ ψεύδεται λέγων ὁ μακάριος προφήτης Ἡσαΐας „ἰδοὺ ἡ παρθένο ἐν γαστρὶ ἐξεί και τέξεται υἱόν καί καλέσουσι τὸ ὄνομα αὐτοῦ Εμμανουήλ, ὁ ἐστὶ μεθερμηνευόμενον μεθ' ἡμῶν ὁ θεός”¹. Ἀληθεύει δέ πάντως καί ὁ ἅγιος Γαβριήλ πρέζ τὴν μακαρίαν παρθένον εἰπὼν „μὴ φοβοῦ, Μαριάμ· εὖρε γάρ χάριν παρὰ τῷ θεῷ, καί ἰδοὺ συλλήψῃ ἐν γαστρὶ καί τέξῃ υἱόν καί καλέσει τὸ ὄνομα αὐτοῦ Ἰησοῦν· αὐτὸ γάρ σώσει τὸν λαόν αὐτοῦ ἀπὸ τῶν ἀμαρτιῶν αὐτῶν”².

Ὅταν δέ λέγωμεν ἐξ οὐρανοῦ καί ἀνωθεν τὸν κύριον ἡμῶν Ἰησοῦν Χριστόν, οὐχ ὡς ἀνωθεν καί ἐξ οὐρανοῦ κατενεχθείσῃ τῇ αγίᾳ αὐτοῦ σαρκὶ τὰ τοιαῦτα φαμέν, ἐπόμενοι δέ μᾶλλον τῷ θεσπεσίῳ Παύλῳ διακεκραγότες σαφῶς „ὁ

ecclesiae. Quoniam vero comperi quosdam vituperare solentium vesparum agrestium modo circumsonare et malignos contra me sermones eructare tamquam e caelo depositum et non ex sancta virgine sanctum corpus Christi esse confitear, oportere arbitratus sum pauca de hoc contra eos dicere. O insensati et tantum calumniari docti, quemammodum in hoc estis sensu delapsi et in hac tanta stultitia languistis? Oportebat enim, oportebat sapienter intellegere quoniam nobis paene omne certamen de fide provenit confirmantibus quoniam sancta virgo dei genetrix est. Sed si de caelo et non ex ipsa sanctum corpus omnium nostrum salvatoris Christi factum esse diceremus, quomodo iam intellegeretur dei genetrix? Quem enim omnino peperit, si non est verum quia peperit secundum carnem Emmanuhel? Rideantur igitur haec de me garrientes. Nec enim beatus propheta Esaias mentitus est dicens: *ecce virgo in utero habebit et pariet filium, et vocabunt nomen eius Emmanuhel, quod est interpretatum nobiscum deus*¹. Vere autem et sanctus Gabrihel ad beatam virginem dicit: *noli timere, Maria, invenisti enim gratiam apud deum. Ecce concipies in utero et paries filium et vocabis nomen eius Iesum. Ipse enim salvum faciet populum suum a peccatis eorum*².

Quando autem dicimus de caelo et de sursum dominum nostrum Iesum Christum, non quasi de sursum et de caelo deposita eius sancta carne talia dicimus, sed magis sequentes dicatissimum Paulum aperte clamantem: *primus homo de*

¹ Is 7,14.

² Lc 1,30. 31; Mt 1,21.

fathers. But since I discovered that there are some always eager to find fault, who buzz around like angry wasps and spit forth evil words against me, to the effect that I say that the holy body of Christ came down from heaven and not from the holy virgin, I thought it necessary in answer to them to say a little about this matter to you.

O fools, whose only competence is in slander! How did you become so perverted in thought and fall into such a sickness of idiocy? For you must surely know that almost all our fight for the faith arose in connexion with our insistence that the holy virgin is the mother of God. But if we claim that the holy body of our common saviour Christ is born from heaven and was not of her, why should she still be considered God-bearer? For whom indeed did she bear, if it is untrue that she bore Emmanuel according to the flesh? It is rather they who speak such nonsense against me who deserve to be ridiculed. For the holy prophet Isaiah does not lie when he says, “Behold a virgin shall conceive and bear a son and they shall call his name Emmanuel, which is interpreted God with us”¹. Again the holy Gabriel speaks total truth when he says to the blessed virgin: “Do not fear, Mary. You have found favour with God, and behold you will conceive in your womb and bear a son and you will call his name Jesus. For he will save his people from their sins”².

But when we say that our lord Jesus Christ came from heaven and above, we do not apply such expressions as “from above” and “from heaven” to his holy flesh. Rather do we follow the divine Paul who clearly proclaimed: “The first

¹ Is 7, 14. ² Lk 1, 30, 31; Mt 1, 21.

πρώτο άνθρωπο ἐκ γῆ χοϊκό , ὁ *terra terrenus, secundus homo de caelo*¹.
 δεῦτερο άνθρωπο ὁ κύριο ἐξ
 οὐρανοῦ^{*, <<!}.

Μεμνήμεθα δέ και αὐτοῦ
 5 τοῦ σωτήρο λέγοντο „οὐδεὶ ἀνα-
 βέβηκεν εἰ τὸν οὐρανὸν εἰ μὴ ὁ ἐκ
 τοῦ οὐρανοῦ καταβά , ὁ υἱὸ τοῦ
 ἀνθρώπου·², καίτοι γεγέννηται κατὰ
 σάρκα, καθάπερ ἔφην ἄρτίω , ἐκ τη
 10 αγία παρθένου.

Ἐπειδὴ δέ ὁ ἀνωθεν
 και ἐξ οὐρανοῦ καταφοιτήσχ θεὸ
 λόγο „κεκένωκεν ἑαυτὸν μορφὴν
 δούλου λαβών³ και κεχρημάτικεν
 15 υἱὸ ἀνθρώπου μετὰ τοῦ μεῖναι δ ἦν,
 τουτέστι θεὸ (ἄτρεπτο γάρ και
 ἀναλλοίωτο κατὰ φύσιν ἐστίν), ὡ
 εἰ ἡδὴ νοούμενο μετὰ τῇ ἰδία
 σαρκὶ ἐξ οὐρανοῦ λέγεται κατελθεῖν,
 20 ὡνόμασται δέ και ἀνθρώπο ἐξ οὐρα-
 νοῦ⁴, τέλειο ὡν ἐν θεότητι και τέλειο
 ὁ αὐτὸ ἐν ἀνθρωπότητι και ὡ ἐν
 ἐνὶ ποσώπω νοούμενο .

Εἰ γάρ
 25 κύριο Ἰησοῦ Χριστό , καν ἡ τῶν
 φύσεων μὴ ἀγνοῆται διαφορὰ, ἐξ ὧν
 την ἀπόρρητον ἐνωσιν πεπράχθαι
 φαμέν. Τοῦ δέ λέγοντα ὅτι κράσι
 ἡ σύγχυσι ἡ φυρμὸ ἐγένετο τοῦ
 30 θεοῦ λόγου πρὸ τὴν σάρκα, κατα-
 ξιωσάτω ἡ σὴ ἀσιότη ἐπιστομίζειν.
 Εἰκό γάρ τινά και τούτα περὶ ἐμοῦ
 θρυλεῖν ὡ ἡ πεφρονηκότο ἡ εἰρη-
 κότο , ἐγὼ δέ τοσοῦτον ἀφέστηκα
 35 τοῦ φρονήσαι τι τοιοῦτον, ὥστε και
 μαίνεσθαι νομίζω τοῦ οἰηθέντα ὁλω
 ὅτι τροπὴ ἀποσκίασμα⁵ περὶ τὴν
 θεῖαν τοῦ λόγου φύσιν συμβῆναι δύνα-
 ται. Μένει γάρ δ ἐστίν, ἀεὶ και οὐκ
 40 ἡλλοίωται⁶, ἀλλ' οὐδ' ἂν ἡλλοιωθεῖη
 πώποτε και μεταβολὴ ἐστὶ δεκτικὴ.
 Ἀπαθὴ δέ πρὸ τούτω τὸν τοῦ θεοῦ
 λόγον ὑπάρχειν ὁμολογοῦμεν ἀπόντε ,
 45 καν εἰ πανσόφωζ αὐτὸ οἰκονομῶν τὸ

Memimus autem et ipsum salvato-
 rem dicentem: *nemo ascendit in caelum*
*nisi qui de caelo descendit filius hominis*²,
 qui utique secundum carnem, sicut
 nuper dixi, ex sancta virgine natus
 est.

Quoniam vero de sursum et de caelo
 descendens deus verbum *exinanivit*
*semet ipsum formam servi accipiens*³,
 et nuncupatus est filius hominis,
 permanens id quod erat, id est deus
 (inconvertibilis enim et immutabilis
 secundum propriam naturam est),
 tamen quia iam unus intellegitur
 cum propria carne, de caelo dicitur
 descendisse, nuncupatus est autem
 et *homo de caelo*,¹ perfectus in deitate
 existens et perfectus in humanitate
 et ut in una persona intellegendus.
 Unus enim dominus Iesus Christus,
 quamvis non ignoretur differentia
 naturarum, ex quibus inenarrabilem
 unionem factam esse diximus. Eos
 autem qui dicunt quia permixtio vel
 confusio aut confermentatio dei
 verbi facta est ad carnem, dignetur
 tua sanctitas obserare. Suspicionem
 enim et hoc de me aliquos divulgare
 quasi ita aut sapuerim aut (prae)
 dixerim, ego autem tantum absum
 ab huiusmodi sensu, ut et furere ar-
 bitrer eos qui suspicati sunt omnino
 quia mutationis obumbratio⁵ circa
 divinam naturam verbi potest con-
 tingere; manet enim quod est,
 semper et non mutatur⁶, sed neque
 mutabitur aliquando vel conver-
 sionis est capax. Impassibile autem
 super haec dei verbum omnes con-
 fitemur, licet ipse sapientissime

1 1 Cor 15, 47.

» Io 3, 13.

3 Ph 2, 7.

4 Cf. 1 Cor 15, 47.

* Cf. Ic 1, 17.

« Cf. MI 3, 6.

man was of the earth, earthly, the second man is the Lord from heaven”¹.

We also recall our Saviour who said: “No one has gone up into heaven except him who came down from heaven, the son of man”². Yet he was born, as I have just said, from the holy virgin according to the flesh.

But since God the Word, who came down from above and from heaven, “emptied himself, taking the form of a slave”³, and was called son of man, though all the while he remained what he was, that is God (for he is unchangeable and immutable by nature), he is said to have come down from heaven, since he is now understood to be one with his own flesh, and he has therefore been designated the man from heaven⁴, being both perfect in godhead and perfect in humanity and thought of as in one person. For there is one lord Jesus Christ, even though we do not ignore the difference of natures, out of which we say that the ineffable union was effected. As for those who say that there was a mixture or confusion or blending of God the Word with the flesh, let your holiness see fit to stop their mouths. For it is quite likely that some should spread it abroad that I have thought or said such things. But I am so far from thinking anything of the kind that I think that those are quite mad who suppose that “a shadow of change”⁵ is conceivable in connexion with the divine nature of the Word. For he remains what he is always and never changes⁶, nor could he ever change or be susceptible of it. Furthermore we all confess that the Word of God is impassible, though in his all-wise economy of the mystery he is seen to attribute to himself

¹ 1 Cor 15, 47. ² Jn 3, 13. ³ Ph 2, 7. ⁴ See 1 Cor 15, 47. ⁵ See Jas 1, 17.
⁶ See Mt 3, 6.

μυστήριον ἑαυτῷ προσνέμων ὁρώτο
τὰ τῇ ἰδίᾳ σαρκὶ συμβεβηκότα πάθη.

Τούτῃ τοι καὶ ὁ πάνσοφο Πέτρο
„Χριστοῦ ὁδὸν φησὶ παθόντο ὑπέρ
ἡμῶν σαρκί“* καὶ οὐχὶ τῇ φύσει τῇ
ἁρρήτου θεότητι. Ἵνα γὰρ αὐτὸ
τῶν ὅλων σωτὴρ εἶναι πιστεύηται,
κατ’ οἰκείωσιν οικονομικὴν εἰς ἑαυτὸν,
ὡς ἔφην, τὰ τῇ ἰδίᾳ σαρκὶ
ἀναφέρει πάθη, ὅποῖόν ἐστιν τὸ διὰ
τῆ τοῦ προφήτου φωνῆ προαναφω-
νούμενον ὡς ἐξ αὐτοῦ „τὸν νῶτόν μου
δέδωκα εἰς μάστιγα, τὰ δὲ σιαγόνα
μου εἰς ραπίσματα, τὸ δὲ πρόσωπόν
μου οὐκ ἀπέστρεψα ἀπὸ αἰσχύνῃ
ἐμπτυσμάτων“².

Ὅτι δὲ ταῖς τῶν
ἁγίων πατέρων δόξαι ἐπόμεθα παν-
ταχοῦ, μάλιστα δὲ ταῖς τοῦ μακαρίου
καὶ πανευφήμου πατρὸς ἡμῶν Ἀθα-
νασίου, τὸ κατὰ τι γούν ὅλῳ ἐξω-
φέρεσθαι παραιτούμενοι, πεπεισθώ-
μεν ἢ σὴ ὁσιότητι, ἐνδοιαζέτω δὲ τῶν
ἄλλων μηδεὶς. Παρέθηκα δ’ ἂν καὶ
χρήσει αὐτῶν πολλὰ, τοῦ ἑμαυτοῦ
λόγου ἐξ αὐτῶν πιστούμενο, εἰ μὴ
τὸ μήκο ἐδεδίειν τοῦ γράμματος, μὴ
ἄρα πῶς γένηται διὰ τοῦτο προσκορὴ.
Κατ’ οὐδένα δὲ τρόπον σαλεύει
παρὰ τινων ἀνεχόμεθα τὴν ὁρισθεῖσαν
πίστιν ἥτοι τὸ τῇ πίστει σύμβολον
παρὰ τῶν ἁγίων ἡμῶν πατέρων τῶν
ἐν Νίκαιᾳ συνελθόντων κατὰ καιροῦ
οὔτε μὴν ἐπιτρέπομεν ἑαυτοῖς ἢ
ἑτέροις ἢ λέξιν ἀμείψαι τῶν ἐγκειμέ-
νων ἐκεῖσε ἢ μίαν γούν παραβῆναι
συλλαβὴν, μεμνημένοι τοῦ λέγοντο
„μὴ μέταιρε ὅρια αἰώνια, ἃ ἔθεντο οἱ
πατέρες σου“³.

Οὐ γὰρ ἦσαν αὐτοὶ οἱ
λαλοῦντες, ἀλλὰ τὸ πνεῦμα τοῦ θεοῦ
καὶ πατὴρ, ὃ ἐκπορεύεται μὲν ἐξ
αὐτοῦ, ἐστὶν δὲ οὐκ ἀλλότριον τοῦ
υιοῦ κατὰ τὸν τῇ οὐσίᾳ λόγον. Καὶ

disponens mysterium sibimet ipsi
inpertiens videatur eas quae acces-
serunt carni propriae passionēs.
Ideo utique et sapientissimus Petrus
inquit *Cbristo igitur passo pro nobis
carne!* et non natura inenarrabilis
deitatis. Ut enim ipse salvator esse
omnium crederetur, secundum pro-
prietatem dispensativam ad semet
ipsum, ut dixi, carnis suae refert
passiones, quale est illud quod per
prophetae vocem tamquam ab ipso
praedicatur: *dorsum meum dedi ad
verbera et maxillas meas ad palmas,
faciem autem meam non averti a foeditate
sputorum*².

Quoniam vero ubique sequimur
sanctorum patrum sententias, ma-
xime autem patris nostri beatissimi
et praedicandissimi Athanasii, om-
nino in aliquo ab eo deviare vitantes,
tua quidem sanctitas credat, aliorum
vero ambigat nullus. Apposuissem
utique et testimonia multa eorum,
ex ipsis mea verba confirmans, nisi
prolixitatem meae epistolae timuis-
sem, ne forte per hoc fastidium
legentibus generetur. Nullo vero
modo moveri ab aliquibus patimur
fidem aut ipsum fidei symbolum
quod a sanctis patribus nostris in
Nicaea convenientibus illo tempore
definitum est, sed neque permitti-
mus nobismet ipsis aut aliis aut
unum mutare dictorum ibidem
positorum aut unam syllabam prae-
terire, meminimus autem dicentem:
*noli transgredi terminos aeterno** quos
posuerunt patres tui³.

Neque enim
loquebantur illi, sed spiritus dei
patris, qui procedit quidem ex ipso,
est autem et a filio non alienus
secundum essentiae rationem. Et

¹ 1 Pr 4,1. * Is 50,6. 3 Pro 22,28.

the sufferings undergone by his own flesh. So the all-wise Peter speaks of “Christ suffering for us in the flesh”¹ and not in the nature of his unspeakable godhead. For in order that he might be believed to be the saviour of all, in accordance with our economic appropriation, as I said, he refers to himself the sufferings of his own flesh, in much the same way as is suggested through the voice of the prophet coming as it were from him in advance: “I gave my back to the smiters and my cheeks to blows; I hid not my face from shame and spitting”².

Let your holiness be persuaded and let no one else cherish any doubt, that we everywhere follow the opinions of the holy fathers especialy those of our blessed and glorious father Athanasius, with whose opinions we differ not in the slightest. I would have added many of their testimonies, proving my opinions from theirs, had I not feared that the length of the letter would be made tedious thereby. We do not permit anyone in any way to upset the defined faith or the creed drawn up by the holy fathers who assembled at Nicaea as the times demanded. We give neither ourselves nor them the licence to alter any expression there or to change a single syllable, remembering the words: “Remove not the ancient landmarks which your fathers have set”³.

For it was not they that spoke, but the Spirit of God the Father, who proceeds from him and who is not distinct from the Son in essence. We are further

¹ 1 Pt 4, 1. ² Is 50, 6. ³ Pro 22, 28.

ποό νε τούτο ήμΛζ οἱ τών αγίων
 μυσταγωγών πιστούνται λόγοι. Ἐν
 μεν γάρ ταῖ Πράξεσιν τών αποστό-
 λων γέγραπται „ἐλθόντε δέ κατὰ τήν
 s λίσσιαν ἐπείραζον εἰ τήν Βιθυνίαν
 πορευθῆναι, καί οὐκ εἴασεν αὐτοῦ
 τὸ πνεῦμα Ἰησοῦ**1. Ἐπιστέλλει δέ
 καί ὁ θεσπέσιος Παῦλος „οἱ δέ ἐν
 σαρκί οντε Οεώ ἀρέσαι οὐ δύνανταΓ
 ia ὑμεῖ δέ οὐκ ἐστέ ἐν σαρκί, ἀλλ' ἐν
 πνεύματι, εἴπερ πνεῦμα θεοῦ οἰκεῖ
 ἐν ὑμῖν εἰ δέ τι πνεῦμα Χριστοῦ οὐκ
 ἔχει, οὗτο οὐκ ἐστὶν αὐτοῦ“2. Ὅταν
 δέ τινε τών τὰ ὀρθά διαστρέφειν
 15 εἰωθότων τὰ ἐμά παρατρέπωσι
 φωνά εἰ τὸ αὐτοῖ δοκοῦν, μή θαν-
 μαζέτω τούτο ἢ σὴ ὀσιότη , εἰδυῖα
 ὅτι καί οἱ ἀπὸ πάση αἰρέσεω ἐκ τῆ
 θεόπνευστου γραφῆ τὰ τῇ ἐαυτών
 io πλάνη συλλέγουσιν ἀφορμά , τὰ διὰ
 τοῦ ἀγίου πνεύματος ὀρθῶ εἰρημένα
 ταῖ ἐαυτών κακονοῖαι παραφθεί-
 ροντε καί ταῖ ἰδῖαι κεφαλαῖ τήν
 ἀσβεστον ἐπαντλοῦντε φλόγα.
 25 Ἐπειδὴ δέ μεμαθήκαμεν βτι καί
 τήν πρό τόν μακάριον Ἐπίκτητον
 ἐπιστολήν τοῦ πανευφήμου πατρὸ
 ἡμών Ἀθανασίου ὀρθοδόξω ἔχουσιν
 παραφθεῖροντα τινε ἐκδεδώκασιν,
 eo ὥ εντεύθεν ἀδικεῖσθαι πολλοῦ , διὰ
 τούτο, χρήσιμόν τι καί ἀναγκαῖον
 ἐπινοοῦντε τοῖ ἀδελφοῖ , ἐξ ἀντι-
 γράφων ἀρχαίων τών παρ' ἡμῖν καί
 ἀπλανῶ ἔχόντων ἀπεστείλαμεν τὰ
 35 ἴσα τῇ σὴ ὀσιότητι.

ad hoc ipsum vero nos sanctorum
 arcana docentium verba confirmant.
 In Actibus namque apostolorum
 scriptum est: *venientibus autem in*
Moesiam., temptabant ire in Bithyniam
*et non permisit eos spiritus Iesu*¹. Scribit
 autem et sacratissimus Paulus: *qui*
autem in carne sunt, deo placere non
possunt. Vos autem non estis in carne,
sed in spiritu, si quidem spiritus dei
habitat in vobis. Si quis autem spiritum
*Christi non habet, hic non est eius*².
 Quando autem quidam eorum qui
 recta pervertere solent, meas voces
 in hoc quod eis placuerit, mutant,
 non ammiretur hoc tua sanctitas,
 sciens quoniam et omnes haeretici
 de scriptura divinitus inspirata sui
 colligunt erroris occasiones, ea quae
 per spiritum sanctum recte dicta
 sunt, suae mentis malitia corrup-
 pentes et super sua capita flammam
 inextinguibilem haurientes.

Quoniam vero didicimus quod et
 epistolam praedicandissimi patris
 nostri Athanasii ad beatum Epictetum
 destinatae orthodoxe habentem
 corrumpentes quidam edide-
 runt, ut per hoc plurimi nocerentur,
 propterea utile aliquid et necessa-
 rium fratribus providentes ex anti-
 quis exemplaribus quae apud nos
 sunt, et nullum errorem habentibus
 tuae sanctitati paria destinavimus.

1 Ac 16,7. 1 Rm 8, 8.9.

confirmed in our view by the words of our holy spiritual teachers. For in the Acts of the Apostles it is written : “When they came to Mysia, they tried to go to Bithynia and the Spirit of Jesus did not permit them . And the divine Paul writes as follows: “Those who are in the flesh cannot please God. But you are not in the flesh, you are in the spirit, if the Spirit of God really dwells in you. And anyone who does not have the Spirit of Christ does not belong to him”². When, therefore, any of those who love to upset sound doctrine pervert my words to their way of thinking, your holiness should not be surprised at this, but should remember that the followers of every heresy extract from inspired scripture the occasion of their error, and that all heretics corrupt the true expressions of the holy Spirit with their own evil minds and they draw down on their own heads an inextinguishable flame.

Since therefore we have learnt that even the letter of our glorious father Athanasius to the blessed Epictetus, which is completely orthodox, has been corrupted and circulated by some, with the result that many have been injured, therefore, thinking it both useful and necessary for the brethren, we have despatched to your holiness accurate copies of the original, unadulterated writings which we have.

¹ Ac 16, 7. ² Rm 8, 8.9.

Chalcedon

451

INTRODUCTION

It was the emperor Marcian who, after the “robber” council of Ephesus (449), commanded this council to meet. Pope Leo I was opposed to it. His view was that all the bishops should repent of their ways and individually sign his earlier dogmatic letter to Flavian¹, patriarch of Constantinople, and so avoid a new round of argument and debate. Moreover, the provinces of the West were being laid waste by Attila’s invasions. But before the pope’s view became known, the emperor Marcian had, by an edict of 17 May 451, convoked the council for 1 September 451. Although the pope was displeased, he sent legates: Paschasinus, bishop of Lilybaeum, Bishop Lucentius, the priests Boniface and Basil, and Bishop Julian of Cos. No doubt Leo thought that the council would cause people to leave the church and go into schism. So he wanted it to be postponed for a time, and he implored the emperor that the faith handed down from ancient times should not become the subject of debate. The only business should be the restoration of the exiled bishops to their former positions.

The council was convoked at Nicaea but later transferred to Chalcedon, so as to be close to Constantinople and the emperor. It began on 8 October 451. The legates Paschasinus, Bishop Lucentius and the priest Boniface presided, while Julian of Cos sat among the bishops. By their side were the imperial commissars and those serving on the Senate, whose responsibility was simply to keep order in the council’s deliberations.

The lists we have of those present are unsatisfactory. According to Leo there were 600 bishops at the council, whereas according to a letter to him there were 500².

The “Definition of the faith” was passed at the council’s fifth session, and was solemnly promulgated at the sixth session in the presence of the emperor and the imperial authorities³. The formula accepted in the decree is: Christ is one in two natures. This is in agreement with Leo’s letter to Flavian of Constantinople, and Leo’s letter is expressly mentioned in the Definition of the faith.

¹ This is commonly called the “Tome to Flavian”. The text printed below (pp. 77-82) follows ACO II II 1, 24-33.

² Acts in ACO II; see T. Schnitzler, *Im Kampfe um Chalcedon. Geschichte and Inhalt des codex encyclius*, Rome 1938.

³ Greek text in ACO II I 2, 126-130; Latin version in ACO II III 2, 134-138. See below pp. 83-87.

The council also issued 27 disciplinary canons⁴⁵(it is unclear at which session). What is usually called canon 28 (on the honour to be accorded the see of Constantinople) is in fact a resolution passed by the council at the 16th session. It was rejected by the Roman legates. In the ancient Greek collections, canons 29 and 30 are also attributed to the council: canon 29 is an extract from the minutes of the 19th session⁶; and canon 30 is an extract from the minutes of the 4th session⁶.

Because of canon 28, which the Roman legates had opposed, the emperor Marcian and Anatolius, patriarch of Constantinople, sought approval for the council from the pope. This is clear from a letter of Anatolius which tries to defend the canon, and especially from a letter of Marcian which explicitly requests confirmation. Because heretics were misinterpreting his withholding approval, the pope ratified the doctrinal decrees on 21 March 453, but rejected canon 28 since it ran counter to the canons of Nicaea and to the privileges of particular churches⁷.

The imperial promulgation was made by Emperor Marcian in 4 edicts of February 452.

Apart from Pope Leo's letter to Flavian, which is in Latin, the English translation is from the Greek text, since this is the more authoritative version.

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4 The Greek text of canons 1-28 is taken from the Synagoge of John Scholasticus, ed. Benesovic = CCO 69-90. The Latin version is that of Dionysius Exiguus (CCO, *ibid.*), except canon 28, which he did not translate and which we give below in the so-called Priscan version (Turner 2, 422 and 424).

5 ACO II I 467.18-21 and 467.31-468.6 (in Greek); CCO 93-94 (in Latin).

6 ACO II I 310.1-18 (in Greek); CCO 95-97 (in Latin).

See A. Wuyts, *Le 28^e canon de Chalcedoine et le fondement du primat romain*, *Orient. Christ. Per.* 17 (1951) 265-282; F. Hofmann, *Der Kampf der Päpste um Konzil und Dogma von Chalkedon von Leo dem Großen bis Hormisdas (451-519)*, *Das Konzil von Chalkedon*, 2 Würzburg 1953, 13-94.

TEXT AND TRANSLATION

Epistula Papae Leonis ad
Flavianum ep. Constantinopoli-
tanum de Eutyche

Lectis dilectionis tuae litteris, quas miramur fuisse tam seras, et gestorum episcopalium ordine recensito tandem quid apud vos scandali contra integritatem fidei exortum fuisset, agnovimus et quae prius videbantur occulta, nunc nobis reserata patuerunt. Quibus Eutyches, qui presbyterii nomine honorabilis videbatur, multum imprudens et nimis inperitus ostenditur, ut etiam de ipso dictum sit a propheta: *noluit intellegere ut bene ageret; iniquitatem meditatus est in cubili suo*¹. Quid autem iniquius quam impia sapere et sapientioribus doctoribusque non cedere? Sed in hanc insipientiam cadunt qui cum ad cognoscendam veritatem aliquo inpediuntur obscuro, non ad propheticas voces, non ad apostolicas litteras nec ad evangelicas auctoritates, sed ad semet ipsos recurrunt et ideo magistri erroris existunt, quia veritatis discipuli non fuerunt. Quam enim eruditionem de sacris novi et veteris testamenti paginis adquisivit qui ne ipsius quidem symboli initia comprehendit et quod per totum mundum omnium regenerandorum voce depromitur, istius adhuc senis corde non capitur? Nesciens igitur quid deberet de verbi dei incarnatione sentire, nec volens ad promerendum lumen intellegentiae in sanctarum scripturarum latitudine laborare illam saltem communem et indiscretam confessionem sollicito recepisset auditu, qua fidelium universitas profitetur credere se in deum patrem omnipotentem et in Iesum

Christum filium eius unicum; dominum nostrum, qui natus est de spiritu sancto et Maria virgine, quibus tribus sententiis omnium fere haereticorum machinae destruuntur. Cum enim deus et omnipotens et pater creditur, consempternus eidem filius demonstratur, in nullo a patre differens, quia de deo deus, de
...
no natus est coaeternus, non posterior tempore, non inferior potestate, non dissimilis gloria, non divisus essentia. Idem vero sempiterni genitoris unigenitus sempiternus natus est de spiritu sancto et Maria virgine, quae nativitas temporalis illi nativitati divinae et sempiternae nihil minuit, nihil contulit, sed totam se reparando homini, qui erat deceptus, inpendit, ut et mortem vinceret et diabolum, qui mortis habebat imperium², sua virtute destrueret. Non enim superare possemus peccati et mortis auctorem, nisi naturam nostram ille susciperet et suam faceret quem nec peccatum contaminare nec mors potuit detinere. Conceptus quippe est de spiritu sancto intra uterum virginis matris, quae illum ita salva virginitate edidit quemadmodum salva virginitate concepit. Sed si de hoc Christianae fidei fonte purissimo sincerum intellectum haurire non poterat, quia splendorem perspicuae veritatis obcaecatione sibi propria tenebrarat, doctrinae se evangelicae subdidisset et dicente Matthaeo *liber generationis Iesu Christi filii David filii Abraham*³, apostolicae quoque praedicationis expetisset instructum et legens in epistula ad Romanos *Paulus servus Christi Iesu, vocatus apostolus segregatus in evangelium dei quod*

¹PsSS, 4. » a. Heb 2,14. > Mt 1,1.

The letter of Pope Leo to Flavian, bishop of Constantinople, about Eutyches

Surprised as we were at the late arrival of your charity's letter, we read it and examined the account of what the bishops had done. We now see what scandal against the integrity of the faith had reared its head among you. What had previously been kept secret now became clearly revealed to us. Eutyches, who was considered a man of honour because he had the title of priest, is shown to be very rash and extremely ignorant. What the prophet said can be applied to him: *He did not want to understand and do good: he plotted evil in his bed*¹. What can be worse than to have an irreligious mind and to pay no heed to those who are wiser and more learned? The people who fall into this folly are those in whom knowledge of the truth is blocked by a kind of dimness. They do not refer to the sayings of the prophets, nor to the letters of the apostles, nor even to the authoritative words of the gospels, but to themselves. By not being pupils of the truth, they turn out to be masters of error. A man who has not the most elementary understanding even of the creed itself can have learnt nothing from the sacred texts of the New and Old Testaments. This old man has not yet taken to heart what is pronounced by every baptismal candidate the world over!

He had no idea how he ought to think about the incarnation of the Word of God; and he had no desire to acquire the light of understanding by working through the length and breadth of the holy scriptures. So at least he should have listened carefully and accepted the common and undivided creed by which the whole body of the faithful confess that they believe in God the Father almighty and in Jesus Christ his only Son, our Lord, who was born of the holy Spirit and the virgin Mary. These three statements wreck the tricks of nearly every heretic. When God is believed to be both almighty and Father, the Son is clearly proved to be co-eternal with him, in no way different from the Father, since he was born God from God, almighty from the Almighty, co-eternal from the Eternal, not later in time, not lower in power, not unlike in glory, not distinct in being. The same eternal, only-begotten of the eternal begetter was born of the holy Spirit and the virgin Mary. His birth in time in no way subtracts from or adds to that divine and eternal birth of his: but its whole purpose is to restore humanity, who had been deceived, so that it might defeat death and, by its power, destroy the devil who held the power of death². Overcoming the originator of sin and death would be beyond us, had not he whom sin could not defile, nor could death hold down, taken up our nature and made it his own. He was conceived from the holy Spirit inside the womb of the virgin mother. Her virginity was as untouched in giving him birth as it was in conceiving him.

But if it was beyond Eutyches to derive sound understanding from this, the purest source of the Christian faith, because the brightness of manifest truth had been darkened by his own peculiar blindness, then he should have subjected himself to the teaching of the gospels. When Matthew says, *The book of the generation of Jesus Christ, son of David, son of Abraham*³, Eutyches should have looked up the further development in the apostolic preaching. When he read in the letter to the Romans, *Paul, the servant of Christ Jesus, called to be an apostle, set apart for God's gospel, which he had formerly promised through his prophets in the holy writings which refer to his Son, who was made for him of David's seed*

¹ Ps 35, 4. ² Sec Heb 2, 14. ³ Mt 1, 1.

anit promiserat per propbetas suos in
 scriptuns sanctis de filio suo, qui factus
 est ei ex semine David secundum carnem¹
 ad propheticas paginas piam solli-
 s citudinem contulisset et inveniens
 promissionem dei ad Habraham
 dicentis *in semine tuo benedicentur*
*omnes gentes*³, ne de huius seminis
 proprietate dubitarer, secutus fuisset
 io apostolum dicentem *Habrabae dictae*
sunt promissiones et semini eius. Non
dicit: et seminibus, quasi in multis sed
quasi in uno: et semini tuo, quod est
Christus;³ Esaiae quoque praedi-
 is cationem interiore adprehendisset
 auditu dicentis *ecce virgo in utero*
accipiet et pariet filium et vocabunt
nomen eius Emmanubel, quod est inter-
*pretatum nobiscum deus** eiusdemque
 io prophetae fideliter verba legisset
puer natus est nobis, filius datus est nobis,
cuius potestas super humeros eius, et
vocabunt nomen eius magni consilii ange-
 u *futuri saeculi*³, nec frustratorie lo-
 quens ita verbum diceret carnem
 facrum, ut editus utero virginis
 Christus haberet formam hominis
 et non haberet materni corporis
 30 veritatem. An forte ideo putavit
 dominum lesum Christum non
 nostrae esse naturae, quia missus ad
 beatam Mariam angelus ait: *spiritus*
sanctus superveniet in te et virtus altis-
 35 *simi obumbrabit tibi ideoque quod nasce-*
*tur ex te sanctum, vocabitur filius dei*⁹,
 ut quia conceptus virginis divini
 fuit operis, non de natura conci-
 pientis fuerit caro concepti? sed non
 «0 ita intellegenda est illa generatio
 singulariter mirabilis et mirabiliter
 singularis, ut per novitatem creatio-
 nis proprietas remota sit generis.
 Fecunditatem virginis spiritus sanc-

tus dedit, veritas autem corporis
 sumpta de corpore est, et aedificante
 sibi sapientia domum⁷ *verbum caro*
*factum est et habitavit in nobis*⁹, hoc est
 in ea carne quam sumpsit ex homine
 et quam spiritu vitae rationalis ani-
 mavit. Salva igitur proprietate
 utriusque naturae et in unam
 coeunte personam suscepta est a
 maiestate humilitas, a virtute infir-
 mitas, ab aeternitate mortalitas, et
 ad resolvendum conditionis nostrae
 debitum natura inviolabilis naturae
 est unita passibili, ut quod nostris
 remediis congruebat, unus atque
 idem *mediator dei et hominum homo*
*Christus Iesus*³ et mori posset ex uno
 et mori non posset ex altero. In inte-
 gra ergo veri hominis perfectaue
 natura verus natus est deus, totus in
 suis, totus in nostris. Nostra autem
 dicimus quae in nobis ab initio
 creator condidit et quae reparanda
 suscepit; nam illa quae deceptor
 intulit et homo deceptus admisit,
 nullum habuerunt in salvatore vesti-
 gium. Nec quia communionem
 humanarum subiit infirmitatum,
 ideo nostrorum fuit particeps delic-
 torum. Adsumpsit formam servi¹⁰
 sine sorde peccati, humana augens,
 divina non minuens, quia exinanitio
 illa qua se invisibilis visibilem prae-
 buit et creator ac dominus omnium
 rerum unus voluit esse mortalium,
 inclinatio fuit miserationis, non
 defectio potestatis. Proinde qui
 manens in forma dei fecit hominem,
 in forma servi factus est homo;
 tenet enim sine defectu proprieta-
 tem suam utraque natura et sicut
 formam servi dei forma non adimit,
 ita formam dei servi forma non
 minuit. Nam quia gloriabatur diabo-

1 Rm 1,1-3.

1 Gn 22,18.

3 Gal 3,1 5.

«Is 7, 14.

5 Is 9, 6.

•Lc1,35.

7 O. Pro 9,1.

8 Io 1,14

» 1 Tm 2, 5.

10 Cf. Ph 2,7.

according to the flesh¹, he should have paid deep and devout attention to the prophetic texts. And when he discovered God making the promise to Abraham that *in your seed shall all nations be blessed*², he should have followed the apostle, in order to eliminate any doubt about the identity of this seed, when he says, *The promises were spoken to Abraham and his seed. He does not say “to his seeds” — as if referring to a multiplicity — but to a single one, “and to thy seed”, which is Christ*. His inward ear should also have heard Isaiah preaching, *Behold, a virgin will receive in the womb and will bear a son, and they will call his name Emmanuel, which is translated “God is with us”*³. With faith he should have read the same prophet’s words, *A child is born to us, a son is given to us. His power is on his shoulders. They will call his name “Angel of great counsel, mighty God, prince of peace, father of the world to come”*⁴. Then he would not deceive people by saying that the Word was made flesh in the sense that he emerged from the virgin’s womb having a human form but not having the reality of his mother’s body.

Or was it perhaps that he thought that our lord Jesus Christ did not have our nature because the angel who was sent to the blessed Mary said, *The holy Spirit will come upon you and the power of the most High will overshadow you, and so that which will be born holy out of you will be called Son of God*⁵, as if it was because the conception by the virgin was worked by God that the flesh of the one conceived did not share the nature of her who conceived it? But uniquely wondrous and wondrously unique as that act of generation was, it is not to be understood as though the proper character of its kind was taken away by the sheer novelty of its creation. It was the holy Spirit that made the virgin pregnant, but the reality of the body derived from body. As Wisdom built a house for herself⁶, *the Word was made flesh and dwelt amongst us*⁷; that is, in that flesh which he derived from human kind and which he animated with the spirit of a rational life.

So the proper character of both natures was maintained and came together in a single person. Lowliness was taken up by majesty, weakness by strength, mortality by eternity. To pay off the debt of our state, invulnerable nature was united to a nature that could suffer; so that in a way that corresponded to the remedies we needed, one and the same *mediator between God and humanity, the man Christ Jesus*⁸, could both on the one hand die and on the other be incapable of death. Thus was true God born in the undiminished and perfect nature of a true man, complete in what is his and complete in what is ours. By “ours” we mean what the Creator established in us from the beginning and what he took upon himself to restore. There was in the Saviour no trace of the things which the Deceiver brought upon us, and to which deceived humanity gave admittance. His subjection to human weaknesses in common with us did not mean that he shared our sins. He took on the form of a servant⁹ without the defilement of sin, thereby enhancing the human and not diminishing the divine. For that self-emptying whereby the Invisible rendered himself visible, and the Creator and Lord of all things chose to join the ranks of mortals, spelled no failure of power: it was an act of merciful favour. So the one who retained the form of God when he made humanity, was made man in the form of a servant. Each nature kept its proper character without loss; and just as the form of God does not take away the form of a servant, so the form of a servant does not detract from the form of God.

¹ Rm 1, 1-3. ² Gn 22, 18. ³ Gal 3, 16. ⁴ Is 7, 14. ⁵ Is 9, 6.

⁶ Lk 1, 35. ⁷ See Pro 9, 1. ⁸ Jn 1, 14. ⁹ 1 Tm 2, 5. ¹⁰ See Ph 2, 7.

lus hominem sua fraude deceptum divinis caruisse muneribus et immortalitatis dote nudatum duram mortis subisse sententiam seque in malis suis quoddam de praevaricatoris consortio invenisse solatium, deum quoque iustitiae exigente ratione erga hominem, quem tanto honore condiderat, propriam mutasse sententiam, opus fuit secreti dispensatione consilii, ut incommutabilis deus, cuius voluntas non potest sua benignitate privari, primam erga nos pietatis suae dispensationem sacramento occultiore completeret et homo diabolicae iniquitatis versutia actus in culpam contra dei propositum non periret. Ingreditur ergo haec mundi infima filius dei de caelesti sede descendens et a paterna gloria non recedens novo ordine, nova nativitate generatus, novo ordine, quia invisibilis in suis visibilis est factus in nostris, incomprehensibilis voluit comprehendere, ante tempora manens esse coepit ex tempore, universitatis dominus servilem formam obumbrata maiestatis suae immensitate suscepit, impassibilis deus non dedignatus est homo esse passibilis et immortalis mortis legibus subiacere; nova autem nativitate generatus, quia inviolata virginitas concupiscentiam nescivit, carnis materiam ministravit. Adsumpta est de matre domini natura, non culpa, nec in domino Iesu Christo ex utero virginis genito, quia nativitas est mirabilis, ideo nostri est natura dissimilis. Qui enim verus est deus, idem verus est homo. Et nullum est in hac unitate mendacium, dum in invicem sunt et humilitas hominis et altitudo deita-

tis. Sicut enim deus non mutatur miseratione, ita homo non consumitur dignitate. Agit enim utraque forma cum alterius communione quod proprium est, verbo scilicet 5 operante quod verbi est, et carne exequente quod carnis est. Unum horum coruscat miraculis, aliud subcumbit iniuriis. Et sicut verbum ab aequalitate paternae gloriae non 10 recedit, ita caro naturam nostri generis non relinquit; unus enim idemque est, quod saepe dicendum est, vere dei filius et vere hominis filius, deus per id quod *in principio* 15 *erat verbum et verbum erat apud deum et deus erat verbum*¹, homo per id quod *verbum caro factum est et habitavit in nobis*², deus per id quod *omnia per ipsum facta sunt et sine ipso factum est* 20 *nihil*³, homo per id quod *factus est ex muliere, factus sub lege*⁴. Nativitas camis manifestatio est humanae naturae, partus virginis divinae est virtutis indicium; infantia parvuli « ostenditur humilitate cunarum, magnitudo altissimi declaratur vocibus angelorum. Similis est rudimentis hominum quem Herodes impie molitur occidere, sed dominus est 30 omnium quem magi gaudent suppliciter adorare. Iam cum ad praecursoris sui Iohannis baptismum venit, ne lateret quod carnis velamine divinitas tegeretur, vox patris de 35 caelo intonans dixit: *hic est filius meus dilectus, in quo mihi bene conplacuit*⁵. Quem itaque sicut hominem diabolica temptat astutia, eidem sicut deo angelica famulantur officia. 40 Esurire® sitire lassescere atque dormire evidenter humanum est, sed quinque panibus quinque milia hominum satiare⁷ et largiri Samarita-

1 Io 1,1.

2 Io 1,14.

5 Io 1,3.

4 Gal 4, 4.

5 Mt 3, 17.

« Cf. Mt 4,1.11.

1 Cf. Mt 14,17.21.

It was the devil's boast that humanity had been deceived by his trickery and so had lost the gifts God had given it; and that it had been stripped of the endowment of immortality and so was subject to the harsh sentence of death. He also boasted that, sunk as he was in evil, he himself derived some consolation from having a partner in crime; and that God had been forced by the principle of justice to alter his verdict on humanity, which he had created in such an honourable state. All this called for the realisation of a secret plan whereby the unalterable God, whose will is indistinguishable from his goodness, might bring the original realisation of his kindness towards us to completion by means of a more hidden mystery, and whereby humanity, which had been led into a state of sin by the craftiness of the devil, might be prevented from perishing contrary' to the purpose of God.

So without leaving his Father's glory behind, the Son of God comes down from his heavenly throne and enters the depths of our world, born in an unprecedented order by an unprecedented kind of birth. In an unprecedented order, because one who is invisible at his own level was made visible at ours. The ungraspable willed to be grasped. Whilst remaining pre-existent, he begins to exist in time. The Lord of the universe veiled his measureless majesty and took on a servant's form. The God who knew no suffering did not despise becoming a suffering man, and, deathless as he is, to be subject to the laws of death. By an unprecedented kind of birth, because it was inviolable virginity which supplied the material flesh without experiencing sexual desire. What was taken from the mother of the Lord was the nature without the guilt. And the fact that the birth was miraculous does not imply that in the lord Jesus Christ, born from the virgin's womb, the nature is different from ours. The same one is true God and true man.

There is nothing unreal about this oneness, since both the lowliness of the man and the grandeur of the divinity are in mutual relation. As God is not changed by showing mercy, neither is humanity devoured by the dignity received. The activity of each form is what is proper to it in communion with the other: that is, the Word performs what belongs to the Word, and the flesh accomplishes what belongs to the flesh. One of these performs brilliant miracles, the other sustains acts of violence. As the Word does not lose its glory which is equal to that of the Father, so neither does the flesh leave the nature of its kind behind. We must say this again and again: one and the same is truly Son of God and truly son of man. God, by the fact that *in the beginning was the Word, and the Word was with God, and the Word was God*¹; man, by the fact that *the Word was made flesh and dwelt among us*². God, by the fact that *all things were made through him, and nothing was made without him*²; man, by the fact that *he was made of a woman, made under the law*^{*}. The birth of flesh reveals human nature; birth from a virgin is a proof of divine power. A lowly cradle manifests the infancy of the child; angels' voices announce the greatness of the most High. Herod evilly strives to kill one who was like a human being at the earliest stage; the Magi rejoice to adore on bended knee one who is the Lord of all. And when he came to be baptised by his precursor John, the Father's voice spoke thunder from heaven, to ensure that he did not go unnoticed because the divinity was concealed by the veil of flesh: *This is my beloved Son, in whom I am well pleased*^{*}. Accordingly, the same one whom the devil craftily tempts as a man, the angels dutifully wait on as God. Hunger⁶, thirst, weariness, sleep are patently human. But to satisfy five thousand people with five loaves⁷; to dispense living

¹ Jn 1, 1. ² Jn 1, 14. ³ Jn 1, 3. ⁴ Gal 4, 4. ⁵ Mt 3, 17.

nae aquam vivam, cuius haustus bibenti praestet ne ultra iam sitiati, supra dorsum maris plantis non desidentibus ambulare² et elationes fluctuum increpata tempestate consternere³ sine ambiguitate divinum est. Sicut ergo, ut multa praeteream, non eiusdem naturae est flere miserationis affectu amicum mortuum* et eundem remoto quadriduanae aggere sepulturae ad vocis imperium excitare redivivum⁵ aut ligno pendere et in noctem luce conversa omnia elementa tremefacere aut is clavis transfixum esse* et paradisi portas fidei latronis aperire⁷, ita non eiusdem naturae est dicere *ego et pater imum sumus*³ et dicere *pater maior me est*⁹. Quamvis enim in domino Iesu Christo dei et hominis una persona sit, aliud tamen est unde in utroque communis est contumelia, aliud unde communis est gloria. De nostro enim illi est minor is patre humanitas, de patre illi est aequalis cum patre divinitas. Propter hanc ergo unitatem personae in utraque natura intellegendam et filius hominis legitur descendisse de so caelo, cum filius dei carnem de ea virgine de qua est natus, adsumpserit, et rursum filius dei crucifixus dicitur ac sepultus, cum haec non in divinitate ipsa qua unigenitus consempiternus et consubstantialis est 35 patri, sed in naturae humanae sit infirmitate perpressus. Unde unigenitum filium dei crucifixum et sepultum omnes etiam in symbolo 40 confitemur secundum illud apostoli *si enim cognovissent, numquam dominum maiestatis crucifixissent*¹⁰. Cum autem

ipse dominus noster atque salvator fidem discipulorum suis interrogationibus erudiret: *quem me*, inquit, *dicunt homines esse filium hominis* / cumque illi diversas aliorum opiniones retexuissent, *vos*, ait, *quem me dicitis esse*¹¹? me utique, qui sum filius hominis et quem in forma servi atque in veritate carnis aspicitis, quem esse me dicitis? ubi beatus Petrus divinitus inspiratus et confessione sua omnibus gentibus profuturus: *tu es*, inquit, *Christus filius dei vivi*¹², nec inmerito beatus est pronuntiatus a domino et a principali petra soliditatem et virtutis traxit et nominis qui per revelationem patris eundem et dei filium est confessus et Christum, quia unum horum sine alio receptum non proderat ad salutem et aequalis erat periculi dominum Iesum Christum aut deum tantummodo sine homine aut sine deo solum hominem credidisse. Post resurrectionem vero domini, quae utique veri corporis fuit, quia non alter est resuscitatus quam qui fuerat crucifixus et mortuus, quid aliud quadraginta dierum mora gestum est quam ut fidei nostrae integritas ab omni caligine mundaretur? Conloquens enim cum discipulis suis et cohabitans atque convalescens¹³ et pertractari se diligenti curiosoque contactu ab eis quos dubietas perstringebat, admittens ideo et clausis ad discipulos ianuis introibat et flatu suo dabat spiritum sanctum¹⁴ et donato intelligentiae lumine sanctarum scripturarum occulta pandebat¹⁵ et rursus idem vulnus lateris, fixuras clavorum

1 Cf. Io 4,14.

1 Cf. Mt 14, 25.

3 Cf. Lc 8, 24.

* a. Io 11, 35.

5 Cf. Io 11, 39.43.

* Cf. Mt 27, 45.51.

7 Cf. Lc 23,43.

8 Io 10, 30.

e Io 14, 28.

10 1 Cor 2, 8.

11 Mt 16,13.15.

13 Mt 16,16.

13 Cf. Ac 1, 3.4.

« Cf. Io 20,19.22.

15 Cf. Lc 24, 46.

water to the Samaritan woman, a drink of which will stop her being thirsty ever again¹; to walk on the surface of the sea with feet that do not sink²; to rebuke the storm and level the mounting waves³; there can be no doubt these are divine.

So, if I may pass over many instances, it does not belong to the same nature to weep out of deep-felt pity for a dead friend⁴, and to call him back to life again⁵ at the word of command, once the mound had been removed from the four-day-old grave; or to hang on the cross and, with day changed into night, to make the elements tremble; or to be pierced by nails⁶ and to open the gates of paradise for the believing thief⁷. Likewise, it does not belong to the same nature to say *I and the Father are one*⁸, and to say *The Father is greater than I*. For although there is in the Lord Jesus Christ a single person who is of God and of man, the insults shared by both have their source in one thing, and the glory that is shared in another. For it is from us that he gets a humanity which is less than the Father; it is from the Father that he gets a divinity which is equal to the Father.

So it is on account of this oneness of the person, which must be understood in both natures, that we both read that the son of man came down from heaven, when the Son of God took flesh from the virgin from whom he was born, and again that the Son of God is said to have been crucified and buried, since he suffered these things not in the divinity itself whereby the Only-begotten is co-eternal and consubstantial with the Father, but in the weakness of the human nature. That is why in the creed, too, we all confess that the only-begotten Son of God was crucified and was buried, following what the apostle said, *If they had known, they would never have crucified the Lord of majesty*⁹. And when our Lord and Saviour himself was questioning his disciples and instructing their faith, he says, *Who do people say I, the son of man, am?* And when they had displayed a variety of other people's opinions, he says, *Who do you say I am?*¹⁰ — in other words, I who am the son of man and whom you behold in the form of a servant and in real flesh: Who do you say I am? Whereupon the blessed Peter, inspired by God and making a confession that would benefit all future peoples, says, *You are the Christ, the Son of the living God*¹¹. He thoroughly deserved to be declared "blessed" by the Lord. He derived the stability of both his goodness and his name from the original Rock, for when the Father revealed it to him, he confessed that the same one is both the Son of God and also the Christ. Accepting one of these truths without the other was no help to salvation; and to have believed that the Lord Jesus Christ was either only God and not man, or solely man and not God, was equally dangerous.

After the Lord's resurrection — which was certainly the resurrection of a real body, since the one brought back to life is none other than the one who had been crucified and had died — the whole point of the forty-day delay was to make our faith completely sound and to cleanse it of all darkness. Hence he talked to his disciples and lived and ate with them¹², and let himself be touched attentively and carefully by those who were in the grip of doubt; he would go in among his disciples when the doors were locked, and impart the holy Spirit by breathing on them¹³, and open up the secrets of the holy scriptures after enlightening their understanding¹⁴; again, he would point out the wound in his side, the holes made by the nails, and all the signs of the suffering he had just recently

¹ See Jn 4, 14. ² See Mt 14, 25. ³ See Lk 8, 24. ⁴ See Jn 11, 35.

⁵ See Jn 11, 39.43. ⁶ See Mt 27, 45.51. ⁷ See Lk 23, 43. ⁸ Jn 10, 30.

⁹ Jn 14, 28. ¹⁰ 1 Cor 2, 8. ¹¹ Mt 16, 13.15. ¹² Mt 16, 16.

¹³ See Ac 1, 3.4. ¹⁴ See Jn 20, 19.22. ¹⁵ See Lk 24, 46.

et omnia recentissimae passionis signa monstrabat¹ dicens: *videte manus meas it pedes quia ego sum; palpate et videte quia spiritus carnem et ossa non habet sicut me videtis babere*² ut agnosceretur in eo proprietas divinae humanaeque naturae individua permanere et ita sciremus verbum non hoc esse quod carnem, ut unum dei filium et verbum confiteremur et carnem. Quo fidei sacramento Eutyches iste nimium aestimandus est vacuus, qui naturam nostram in unigenito dei nec per humilitatem mortalitatis nec per gloriam resurrectionis agnovit nec sententiam beati apostoli et evangelistae Iohannis expavit dicentis *omnis spiritus qui confitetur Iesum Christum in carne venisse, ex deo est et omnis spiritus qui solvit Iesum, ex deo non est, et hic est antiebristus*³. Quid autem est solvere Iesum nisi humanam ab eo separare naturam et sacramentum per quod unum salvati sumus, impudentissimis vacuare figmentis? Caligans vero circa naturam corporis Christi, necesse est ut etiam in passione eius eadem obcaecatione desipiat. Nam si crucem domini non putat falsam et susceptum pro mundi salute supplicium verum fuisse non dubitat, cuius credit mortem, agnoscat et carnem. Nec diffiteatur nostri corporis hominem quem cognoscit fuisse passibilem, quoniam negatio verae carnis negatio est etiam corporeae passionis. Si ergo Christianam suscipit fidem et a praedicatione evangelii suum non avertit auditum, videat quae natura transfixa clavis pependerit in crucis ligno et aperto per militis lanceam latere crucifixi intel-

legat unde sanguis et aqua fluxerit⁴, ut ecclesia dei et lavacro rigaretur et poculo. Audiat beatum Petrum apostolum praedicantem quod sanctificatio spiritus per aspersionem fiat sanguinis Christi⁵, nec transitorie legat eiusdem apostoli verba dicentis; *scientes quod non corruptibilibus argento et auro redempti estis de vana vestra conversatione paternae traditionis, sed pretioso sanguine quasi agni incontaminati et immaculati Iesu Christi*^{*}. Beati quoque Iohannis apostoli testimonio non resistat dicentis: *et sanguis Iesu filii dei emundat nos ab omni peccato*¹ et iterum: *haec est victoria quae vincit mundum, fides nostra. Quis est qui vincit mundum nisi qui credit quoniam Iesus est filius dei? Hic est qui venit per aquam et sanguinem Iesus Christus, non in aqua solum, sed in aqua et sanguine, et spiritus est qui testificatur, quoniam spiritus est veritas, quia tres sunt qui testimonium dant, spiritus et aqua et sanguis, et tres unum sunt*^{*}, spiritus utique sanctificationis et sanguis redemptionis et aqua baptismatis, quae tria unum sunt et individua manent nihilque eorum a sui connectione seiungitur, quia catholica ecclesia hac fide vivit, hac proficit, ut nec sine vera divinitate humanitas nec sine vera credatur divinitas.

Cum autem ad interlocutionem examinis vestri Eutyches responderit dicens: confiteor ex duabus naturis fuisse dominum nostrum ante adunationem, post vero adunationem unam naturam confiteor, miror tam absurdam tamque perversam professionem nulla iudicantium increpatione reprehensam et sermonem nimis insipientem ita

» OE Io 20, 27.

* Lc 24, 39.

8 1 Io 4, 2.3.

4 Cf. Io 19, 34.

5 Cf. 1 Pt 1, 2.

« IPt1, 18.

7 1 Io 1, 7.

8 1 Io 5, 4-8.

undergone¹, saying, *Look at my hands and feet — it is I. Feel and see, because a spirit does not have flesh and bones as you see that I have*². All this was so that it would be recognised that the proper character of the divine and of the human nature went on existing inseparable in him; and so that we would realise that the Word is not the same thing as the flesh, but in such a way that we would confess belief in the one Son of God as being both Word and flesh.

This Eutyches must be judged to be extremely destitute of this mystery of the faith. Neither the humility of the mortal life nor the glory of the resurrection has made him recognise our nature in the only-begotten of God. Nor has even the statement of the blessed apostle and evangelist John put fear into him: *Every spirit which confesses that Jesus Christ came in the flesh is from God; and every spirit which puts Jesus asunder is not from God, and this is Antichrist*³. But what does putting Jesus asunder consist in if not in separating his human nature from him, and in voiding, through the most barefaced fictions, the one mystery by which we have been saved? Once in the dark about the nature of Christ's body, it follows that the same blindness leads him into raving folly about his suffering, too. If he does not think that the Lord's cross was unreal and if he has no doubt that the suffering undergone for the world's salvation was real, then let him acknowledge the flesh of the one whose death he believes in. And let him not deny that a man whom he knows to have been subject to suffering had our kind of body, for to deny the reality of the flesh is also to deny the bodily suffering. So if he accepts the Christian faith and does not turn a deaf ear to the preaching of the gospel, let him consider what nature it was that hung, pierced with nails, on the wood of the cross. With the side of the crucified one laid open by the soldier's spear, let him identify the source from which blood and water flowed⁴, to bathe the church of God with both font and cup.

Let him heed what the blessed apostle Peter preaches, that sanctification by the Spirit is effected by the sprinkling of Christ's blood⁵; and let him not skip over the same apostle's words, *knowing that you have been redeemed from the empty way of life you inherited from your fathers, not with corruptible gold and silver but by the precious blood of Jesus Christ, as of a lamb without stain or spot*. Nor should he withstand the testimony of blessed John the apostle: *and the blood of Jesus, the Son of God, purifies us from every sin*⁶; and again, *This is the victory which conquers the world, our faith. Who is there who conquers the world save one who believes that Jesus is the Son of God? It is he, Jesus Christ, who has come through water and blood, not in water only, but in water and blood. And because the Spirit is truth, it is the Spirit who testifies. For there are three who give testimony — Spirit and water and blood. And the three are one*⁷. In other words, the Spirit of sanctification and the blood of redemption and the water of baptism. These three are one and remain indivisible. None of them is separable from its link with the others. The reason is that it is by this faith that the catholic church lives and grows, by believing that neither the humanity is without true divinity nor the divinity without true humanity.

When you cross-examined Eutyches and he replied, "I confess that our Lord was of two natures before the union, but I confess one nature after the union", I

¹ See Jn 20, 27. ² Lk 24, 39. ³ 1 Jn 4, 2.3. ⁴ See Jn 19,34. ⁵ See 1 Pt 1, 2.
⁶ 1 Pt 1, 18. ⁷ 1 Jn 1, 7. ⁸ 1 Jn 5, 4-8.

omissum quasi nihil quod offenderet
esset auditum, cum tam impie dua-
rum naturarum ante incarnationem
unigenitus dei filius fuisse dicatur
« quam nefarie postquam verbum
caro factum est, natura in eo singu-
laris asseritur. Quod ne Eutyches
ideo vel recte vel tolerabiliter
aestimet dictum, quia nulla vestra
10 est sententia confutatum, dilectionis
tuae diligentiam commonemus, fra-
ter karissime, ut si per inspiratio-
nem misericordiae dei ad satisfactio-
nem causa perducitur, imprudentia
» hominis inperiti etiam ab hac sensus
sui peste purgetur. Qui quidem,
sicut gestorum ordo patefecit, bene
coeperat a sua persuasione discedere,
cum vestra sententia coartatus pro-
10 fiteretur se dicere quod ante non
dixerat, et ei fidei adquiescere cuius
prius fuisset alienus; sed cum
anathematizando impio dogmati
noluisset praebere consensum, intel-
M iexit eum fraternitas vestra in sua
manere perfidia dignumque esse qui
iudicium condemnationis exciperet
De quo si fideliter atque utiliter
dolet et quam recte mota sit episco-
20 palis auctoritas, vel sero cognoscit

vel si ad satisfactionis plenitudinem
omnia quae ab eo male sunt sensa,
viva voce et praesenti subscriptione
damnaverit, non erit reprehensibilis
erga correctum quantacumque mi-
seratio, quia dominus noster verus
et bonus pastor qui animam suam
posuit pro ovibus suis et qui venit
animas hominum salvare, non per-
dere, imitatores nos suae vult esse
pietatis, ut peccantes quidem iustitia
coerceat, conversos autem miseri-
cordia non repellat. Tunc enim
demum fructuosissime fides vera
defenditur, quando etiam a sectatori-
bus suis opinio falsa damnatur.

Ad omnem vero causam pie ac
fideliter exequendam fratres nostros
Iulium episcopum et Renatum
presbyterum tituli sancti Clementis,
sed et filium meum Hilarum dia-
conum vice nostra direximus, qui-
bus Dulcitium notarium nostrum,
cuius nobis fides est probata,
sociavimus, confidentes affuturum
divinitatis auxilium ut is qui erra-
verat, damnata sensus sui pravitate
salvetur.

Deus te incolumem custodiat,
frater karissime.

am amazed that such an absurd and corrupt declaration of faith was not very severely censured by the judges; and that an extremely foolish statement was disregarded, as if nothing whatever offensive had been heard. It is just as wicked to say that the only-begotten Son of God was of two natures before the incarnation as it is abominable to claim that there was a single nature in him after the Word was made flesh. Eutyches must not suppose that what he said was either correct or tolerable just because no clear statement of yours refuted it. So we remind you, dearest brother, of your charity's responsibility to see to it that if through God's merciful inspiration the case is ever settled, the rash and ignorant fellow is also purged of what is blighting his mind. As the minutes have made clear, he made a good start at abandoning his opinion when, under pressure from your statement, he professed to say what he had not previously said, and to find satisfaction in the faith to which he had previously been a stranger. But when he had refused to be party to the anathematising of his wicked doctrine, your fraternity would have realised that he was persisting in his false belief and that he deserved a verdict of condemnation. If he is honestly and suitably sorry about this, and acknowledges even at this late stage how rightly episcopal authority was set in motion, or if, to make full amends, he condemns every wrong thought he had by word of mouth and by his actual signature, then no amount of mercy towards one who has reformed is excessive. Our Lord, the true and good shepherd who laid down his life for his sheep, and who came not to destroy but to save the souls of men and women, wants us to be imitators of his goodness, so that whilst justice represses sinners, mercy does not reject the converted. The defence of the true faith is never so productive as w'hen false opinion is condemned even by its adherents.

In place of ourself, we have arranged for our brothers, Bishop Julius and the priest Renatus of the church of St Clement, and also my son, the deacon Hilary, to ensure a good and faithful conclusion to the whole case. To their company we have added our notary Dulcitius, of proven loyalty to us. We trust that with God's help he who has fallen into error might condemn the wickedness of his own mind and find salvation.

God keep you safe, dearest brother.

"Ορο πίστεω

Definitio fidei

Ἡ ἁγία καὶ μεγάλη καὶ οἰκουμενικὴ σύνοδος ἡ κατὰ θεοῦ χάριν καὶ θέσπισμα τῶν εὐσεβεστάτων καὶ φιλοχρίστων ὑμῶν βασιλέων Οὐαλεντινιανοῦ καὶ Μαρκιανοῦ αὐγούστων συναχθεῖσα ἐντὶ Χαλκηδόνέων μητροπόλει τῇ Βιθυνῶν επαρχία ἐν τῷ μαρτυρίῳ τῇ ἁγία καὶ καλλινίκου μάρτυρα Εὐφημία ὥρισε τὰ ὑποτεταγμένα.

Ὁ κύριο ἡμῶν καὶ σωτὴρ ὁ Χριστὸς τῇ πίστει τὴν γνώσιν τοῦ μαθηταῖ βεβαιῶν ἔφη· Εἰρήνην τὴν ἐμὴν δίδωμι ὑμῖν, εἰρήνην τὴν ἐμὴν ἀφίημι ὑμῖν¹, ὥστε μηδένα προ τὸν πλησίον διαφωνεῖν ἐν τοῖς δόγμασι τῇ εὐσεβείᾳ, ἀλλ' ἐπίση τὸ τῇ ἀλήθειᾳ ἐπιδείκνυσθαι κήρυγμα. Ἐπειδὴ δὲ οὐ παύεται διὰ τῶν ἑαυτοῦ ζιζανίων ὁ πονηρὸς τοῦ τῇ εὐσεβείᾳ ἐπιφυόμενο σπέρμασι καὶ τι καινὸν κατὰ τῇ ἀλήθειᾳ ἐφευρίσκων ἀεὶ, διὰ τοῦτο συνήθω ὁ δεσπότης προνοούμενος τοῦ (ἀνθρωπίνου γένους τὸν εὐσεβὴ τούτον καὶ πιστότατον πρό ζήλον ἀνέστησε βασιλέα καὶ τοῦ ἀπανταχὲ τῇ ἱερῶσύνῃ πρό ἑαυτὸν ἀρχηγὸς συνεκάλεσεν, ὥστε, τῇ χάριτι τοῦ πάντων ἡμῶν δεσπότης Χριστοῦ ἐνεργούσης, πᾶσαν μὲν τοῦ ψεύδους τῶν τοῦ Χριστοῦ προβάτων ἀποσείσασθαι λύμην, τοῦ δὲ τῇ ἀλήθειᾳ αὐτὴν καταπιαίνειν βλαστήμασιν. “Ὁ δὲ καὶ πεποιήκαμεν, κοινῇ ψήφῳ τὰ τῇ πλάνῃ ἀπελάσαντες δόγματα, τὴν δὲ ἀπλανή τῶν πατέρων ἀνανεωσάμενοι πίστιν, τὸ τῶν τῇ. σύμβολον τοῦ πᾶσι κηρύξαντες καὶ ὡς οἰκείου τοῦ τούτου τῇ εὐσεβείᾳ τὸ σύνθεμα δεξαμένου πατέρα ἐπιγραφάμενοι, οἵπερ εἰσιν οἱ μετὰ ταῦτα ἐν τῇ μεγάλῃ Κωνσταντινουπόλῃ συνελθόντες ρν'. καὶ αὐτοὶ τὴν αὐτὴν ἐπισφραγισάμενοι πίστιν.

Sancta et magna et universalis synodus quae per gratiam Dei et praecepta piissimorum et christianissimorum imperatorum nostrorum s Valentiniani et Marciani augustorum congregata est in Chalcedona metropoli provinciae Bithyniorum in ecclesia sanctae et victricis martyris Euphemiae, haec definivit quae 10 subter scripta sunt.

Dominus noster et salvator Iesus Christus notitiam fidei discipulis suis firmans dixit: *pacem meam do vobis, pacem meam relinquo vobis*^x, ut nullus dissonet a proximo circa dogmata pietatis, sed ut pariter veritatis ostenderent praedicationem. Quia vero non desinit per zizania sua diabolus contra semina pietatis insurgere et semper aliquid novum contra veritatem invenire, propter hoc Dominus, ut consuevit, providens humano generi piissimum hunc et fidelissimum ad aemulationem erexit imperatorem et undique sacerdotii praesides ad se convocavit ut gratia domini omnium nostrum Christi operante omnem quidem mendacii a Christi ovibus pestilentiam removant, floribus autem veritatis eas pinguescere faciant. Quod et perfecimus communi iudicio dogmata expellentes erroris et inerrabilem patrum renovavimus fidem, symbolum trecentorum decem et octo omnibus praedicantes et eos ut proprios patres esse ascribimus, qui postea in magna Constantinopoli congregati sunt centum quinquaginta et eandem fidem ipsi quoque confirmaverunt.

Definition of the faith

The sacred and great and universal synod by God's grace and by decree of your most religious and Christ-loving emperors Valentinian Augustus and Marcian Augustus assembled in Chalcedon, metropolis of the province of Bithynia, in the shrine of the saintly and triumphant martyr Euphemia, issues the following decrees.

In establishing his disciples in the knowledge of the faith, our lord and saviour Christ said: "My peace I give you, my peace I leave to you"¹, so that no one should disagree with his neighbour regarding religious doctrines but that the proclamation of the truth would be uniformly presented. But the evil one never stops trying to smother the seeds of religion with his own tares and is for ever inventing some novelty or other against the truth; so the Master, exercising his usual care for the human race, roused this religious and most faithful emperor to zealous action, and summoned to himself the leaders of the priesthood from everywhere, so that through the working of the grace of Christ, the master of all of us, every injurious falsehood might be staved off from the sheep of Christ, and they might be fattened on fresh growths of the truth.

This is in fact what we have done. We have driven off erroneous doctrines by our collective resolution, and we have renewed the unerring creed of the fathers. We have proclaimed to all the creed of the 318; and we have made our own those fathers who accepted this agreed statement of religion — the 150 who later met in great Constantinople and themselves set their seal to the same creed.

¹ Jn 14, 27.

Ὅριζομεν τοίνυν τήν τάξιν καί
 τοῦ περί τή πίστεω ἅπαντα τύπου
 φυλάττοντε καί ἡμεῖς τή κατ'
 Ἐφεσον πάλαι γεγεννημένη αγία
 συνόδου, ἡ ἡγεμόνε οἱ αγιότατοι
 τήν μνήμην Κελεστίνου ὁ τή Ῥωμαί-
 ων καί Κύριλλο ὁ τή Ἀλεξανδρέων
 ἐτύγχανον, προλάμπειν μέν τή ὁρθή
 καί ἀμωμήτου πίστεω τήν ἐκθεσιν
 10 τῶν τη'. ἀγίων καί μακαρίων πατέ-
 ρων τῶν ἐν Νίκαια ἐπὶ τοῦ τή εὐσε-
 βοῦ μνήμη Κωνσταντίνου τοῦ γενο-
 μένου βασιλέω συναχθέντων, κρατεῖν
 δέ καί τὰ παρὰ τῶν ρν'. ἀγίων πατέ-
 ρων ἐν Κωνσταντινουπόλει ὁρισθέντα
 προ ἀναίρεσιν μέν τῶν τότε φυεισῶν
 αἱρέσεων, βεβαίωσιν δέ τή αὐτή
 καθολική καί ἀποστολική ἡμῶν
 πίστεω .

Τὸ σύμβολον τῶν ἐν Νίκαια τη'.
 πατέρων¹.

Καί τὸ αὐτὸ τῶν ρν'. ἀγίων πατέρων
 τῶν ἐν Κωνσταντινουπόλει συναχθέν-
 των².

Ἦρκει μέν οὖν εἰ ἐντελή τή
 εὐσεβεία ἐπίγνωσιν τε καί βεβαίωσιν
 τὸ σοφὸν καί σωτήριον τοῦτο τή
 θεία χάριτο σύμβολον περί τε γάρ
 τοῦ πατρὸς καί τοῦ υἱοῦ καί τοῦ
 30 ἁγίου πνεύματος ἐκδιδάσκει τὸ τέλει-
 ον καί τοῦ κυρίου τήν ἐνανθρώπησιν
 τοῖς πιστῶ δεχομένοι παρίστησιν.

Ἄλλ' ἐπειδήπερ οἱ τή ἀλήθεια ἄθε-
 τεῖν ἐπιχειροῦντε τὸ κήρυγμα διὰ
 35 τῶν οικείων αἱρέσεων τὰ καινοφω-
 νία ἀπέτεκον, οἱ μέν τὸ τή δι' ἡμᾶς
 τοῦ κυρίου οικονομία μυστήριον
 παραφθείρειν τολμήσαντε καί τήν
 Θεοτόκο ἐπὶ τή παρθένου φωνήν
 ἀπαρνούμενοι, οἱ δέ σύγχυσιν καί
 κρᾶσιν εἰσάγοντε καί μίαν εἶναι
 φύσιν τή σαρκὶ καί τή θεότητι
 ἀνοήτως ἀναπλάττοντε καί παθητήν
 τοῦ μονογενοῦ τήν θείαν φύσιν τή
 45 συγχύσει τερατευόμενοι, διὰ τοῦτο

Definimus igitur ordinem et om-
 nes formulas custodientes quae de
 fide sunt constitutae, et nos, a synodo
 quondam in Epheso facta, cuius prae-
 sides fuerunt sanctissimae memoriae
 Caelestinus Romanorum et Cyrillus
 Alexandrinorum, praefulgere qui-
 dem rectae et immaculatae fidei ex-
 positionem sanctorum et beatissi-
 morum trecentorum decem et octo
 patrum qui in Nicaeam temporibus
 pia memoriae Constantini impera-
 toris congregati sunt, servari autem
 et ea quae in Constantinopolim a
 sanctis centum quinquaginta patri-
 bus decreta sunt ad expellendas qui-
 dem omnes germinantes haereses
 et ad confirmationem eiusdem ca-
 tholicae et apostolicae nostrae fidei.

Symbolum trecentorum decem et
 octo patrum qui in Nicaea¹.

Et idem centum quinquaginta
 sanctorum patrum qui Constantino-
 polim congregati sunt².

Sufficeret quidem ad plenam co-
 gnitionem pietatis et confirmatio-
 nem sapiens hoc et salutare divinae
 gratiae symbolum; de Patre enim et
 Filio et Spiritu sancto perfectionem
 docet et Domini inhumanationem
 fideliter accipientibus repraesentat.
 Sed quoniam hi qui veritatis repro-
 bare praedicationem conantur, per
 proprias haereses novas voces genu-
 erunt, et hi quidem mysterium dis-
 pensationis Domini quae propter nos
 facta est, corrumpere praesumentes
 et vocem denegantes qua theotocos
 de Virgine praedicatur, alii autem
 confusionem et temperamentum in-
 troducentes et unam naturam esse
 carnis et divinitatis stulte confingen-
 tes et passibilem Unigeniti divinam
 naturam per confusionem prodigio-
 se dicentes, propter hoc illis omnem

¹ Vide supra p. 5.

² Vide supra p. 24.

Therefore, whilst we also stand by the decisions and all the formulas relating to the creed from the sacred synod which took place formerly at Ephesus, whose leaders of most holy memory were Celestine of Rome and Cyril of Alexandria, we decree that pre-eminence belongs to the exposition of the right and spotless creed of the 318 saintly and blessed fathers who were assembled at Nicaea when Constantine of pious memory was emperor: and that those decrees also remain in force which were issued in Constantinople by the 150 holy fathers in order to destroy the heresies then rife and to confirm this same catholic and apostolic creed.

The creed of the 318 fathers at Nicaea¹.

And the same of the 150 saintly fathers assembled in Constantinople².

This wise and saving creed, the gift of divine grace, was sufficient for a perfect understanding and establishment of religion. For its teaching about the Father and the Son and the holy Spirit is complete, and it sets out the Lord's becoming human to those who faithfully accept it.

But there are those who are trying to ruin the proclamation of the truth, and through their private heresies they have spawned novel formulas: some by daring to corrupt the mystery of the Lord's economy on our behalf, and refusing to apply the word "God-bearer" to the Virgin; and others by introducing a confusion and mixture, and mindlessly imagining that there is a single nature of the flesh and the divinity, and fantastically supposing that in the confusion the divine nature of the Only-begotten is passible.

¹ See above p. 5. ² See above p. 24.

πάσαν αὐτοῖ ἀποκλειῖσαι κατὰ τὴν ἀληθείαν μηχανὴν βουλομένη ἢ παροῦσα νῦν αὕτη αγία καὶ μεγάλη καὶ οἰκουμενικὴ σύνοδος, τὸ τοῦ κηρύγματος ἀνωθεν ἀσάλευτον ἐκδιδάσκουσα, ὥρισεν, προηγουμένω τῶν τιη'. ἁγίων πατέρων τὴν πίστιν μένειν ἀπαρεγχείρητον καὶ διὰ μὲν τοῦ πνεύματι τῷ ἁγίῳ μαχομένου τὴν χρόνοι ὕστερον παρὰ τῶν ἐπὶ τῇ βασιλευούσῃ πόλει ρν' συνελθόντων πατέρων περὶ τῇ τοῦ πνεύματος οὐσία παραδοθεῖσαν διδασκαλίαν κυροῖ, ἣν ἐκεῖνοι ἄσιν ἐγνώρισαν, οὐχ ὥς τι λείπον τοῖ προλαβοῦσιν ἐπεισάγοντε, ἀλλὰ τὴν περὶ τοῦ ἁγίου πνεύματος αὐτῶν ἐννοιαν κατὰ τῶν τῇ αὐτοῦ δεσποτείαν ἀθετεῖν πειρωμένων γραφικῇ μαρτυρίαί τρανώσαντε· διὰ δὲ τοῦ τὸ τῇ οικονομίᾳ παραφθεῖρειν ἐπιχειροῦντα μυστήριον καὶ ψιλὸν ἄνθρωπον εἶναι τὸν ἐκ τῇ αγία παρθένου τεχθέντα Μαρία ἀναιδῶ ληρωδοῦντα τὰ τοῦ μακαρίου Κυρῶλου τοῦ τῇ Ἀλεξανδρέων ἐκκλησίᾳ γενομένου ποιμένο συνοδικῇ ἐπιστολᾷ πρὸ τὸν Νεστόριον¹ καὶ πρὸ τοῦ τῇ Ἀνατολῇ² ἁρμοδία οὔσα ἐδέατο εἰ ἐλέγχον μὲν τῇ Νεστορίου φρενοβλαβείᾳ, ἐρμηνείαν δὲ τῶν εὐσεβεῖ ζήλῳ τοῦ σωτηρίου συμβόλου ποθοῦντων τὴν ἐννοιαν, αἱ καὶ τὴν ἐπιστολὴν τοῦ τῇ μεγίστῃ καὶ πρεσβυτέρᾳ Ῥώμῃ προέδρου τοῦ μακαριωτάτου καὶ ἁγιωτάτου ἀρχιεπισκόπου Λέοντος, τὴν γραφεῖσαν πρὸ τὸν ἐν ἁγίοι ἀρχιεπίσκοπον Φλαβιανὸν ἐπ' ἀναιρέσει τῇ Εὐτυχοῦ κακονοίᾳ³, ἅτε δὴ τῇ τοῦ μεγάλου Πέτρου ὁμολογία συμβαίνουσιν καὶ κοινήν τινα στήλην ὑπάρχουσαν, κατὰ τῶν κακοδοξούντων εἰκότῳ συνήρμοσε πρὸ τῇ τῶν ὀρθῶν δογμάτων βεβαίωσιν. Τοῖ τε γὰρ εἰσιῶν δυάδα τὸ τῇ οικονομίᾳ διασπᾶν ἐπιχειροῦσι μυστήριον παρα-

machinationem contra veritatem volens claudere praesens nunc sancta et magna et universalis synodus praedicationem hanc ab initio immobilem docens decrevit ante omnia fidem inrecusabilem permanere trecentorum decem et octo sanctorum patrum et doctrinam confirmat quae de substantia Spiritus sancti a patribus centum quinquaginta postea congregatis in regia civitate tradita est propter illos qui Spiritui sancto repugnabant, quam illi omnibus notam fecerunt non quasi quod aliquid deesset antecedentibus, inferentes, sed de sancto Spiritu intellectum eorum contra illos qui dominationem eius respicere temptaverunt, scripturarum testimoniis declarantes. Propter illos autem qui dispensationis corrumpere conantur mysterium et purum hominem esse illum genitum ex sancta virgine Maria impudenter delirant, epistulas synodicas beati Cyrilli quondam Alexandrinae ecclesiae praesulis ad Nestorium¹ et ad orientales² congrue habentes suscipit ad convincendas Nestorii vesanias, interpretationem vero eorum qui salutaris symboli mentem pio zelo nosse desiderant. Quibus etiam epistulam maximae et senioris urbis Romae praesulis beatissimi et sanctissimi archiepiscopi Leonis quae scripta est ad sanctae memoriae archiepiscopum Flavianum ad perimendam Eutychis malam intelligentiam³, consequentissime coaptavit utpote et magni illius Petri confessioni congruentem et communem quandam columnam nobis adversum prava dogmata existentem, ad confirmationem rectorum dogmatum. His namque qui in duos filios dispensationis divinae mysterium discerpere nituntur, obsistit

¹ Est epistula secunda, vide supra p. 40-44.

* Est epistula ad Ioannem Antiochenum de pace, vide supra p. 70-74.

³ Est Tomus ad Flavianum, vide supra p. 77-82.

Therefore this sacred and great and universal synod, now in session, in its desire to exclude all their tricks against the truth, and teaching what has been unshakeable in the proclamation from the beginning, decrees that the creed of the 318 fathers is, above all else, to remain inviolate. And because of those who oppose the holy Spirit, it ratifies the teaching about the being of the holy Spirit handed down by the 150 saintly fathers who met some time later in the imperial city — the teaching they made known to all, not introducing anything left out by their predecessors, but clarifying their ideas about the holy Spirit by the use of scriptural testimonies against those who were trying to do away with his sovereignty.

And because of those who are attempting to corrupt the mystery of the economy and are shamelessly and foolishly asserting that he who was born of the holy virgin Mary was a mere man, it has accepted the synodical letters of the blessed Cyril, pastor of the church in Alexandria, to Nestorius² and to the Orientals¹, as being well-suited to refuting Nestorius's mad folly and to providing an interpretation for those who in their religious zeal might desire understanding of the saving creed.

To these it has suitably added, against false believers and for the establishment of orthodox doctrines, the letter of the primate of greatest and older Rome, the most blessed and most saintly Archbishop Leo, written to the sainted Archbishop Flavian to put down Eutyches's evil-mindedness³, because it is in agreement with great Peter's confession and represents a support we have in common.

It is opposed to those who attempt to tear apart the mystery of the economy into a duality of sons; and it expels from the assembly of the priests those who

¹ The second letter, see above pp. 40-44.

² The letter to John of Antioch about peace, see above pp. 70-74.

³ The Tome (or Letter) to Flavian, see above pp. 77-82.

τάττεται καὶ τοῦ παθητὴν του μονογενοῦ λέγειν τολμώντα τὴν θεότητα τοῦ τῶν ἱερέων ἀπωθεῖται συλλόγου, καὶ τοῖ ἐπὶ τῶν δύο φύσεων τοῦ Χριστοῦ κράσιν ἢ σύγχυσιν ἐπινοοῦσιν ἀνθίσταται καὶ τοῦ οὐράνιον ἢ ἑτέρα τινὸ ὑπάρχειν οὐσία τὴν ἐξ ἡμῶν ληφθεῖσαν αὐτῷ τοῦ δούλου μορφὴν παραπαίοντα ἐξελαύνει, καὶ τοῦ δύο μὲν πρό τὴ ἐνώσεω φύσει τοῦ κυρίου μυθεύοντα, μίαν δὲ μετὰ τὴν ἐνωσιν ἀναπλάττοντα ἀναθεματίζει.

Ἐπόμενοι τοίνυν τοῖ ἅγιοι πατέραςιν, ἓνα καὶ τὸν αὐτὸν ὁμολογεῖν υἱὸν τὸν κύριον ἡμῶν Ἰησοῦν Χριστόν συμφώνω ἀπόντε ἐκδιδάσκομεν, τέλειον τὸν αὐτὸν ἐν θεότητι καὶ τέλειον τὸν αὐτὸν ἐν ἀνθρωπότητι, θεὸν ἀληθῶ καὶ ἀνθρώπον ἀληθῶ τὸν αὐτὸν, ἐκ ψυχῆ λογικῆ καὶ σώματος, ὁμοούσιον τῷ πατρὶ κατὰ τὴν θεότητα καὶ ὁμοούσιον ἡμῖν τὸν αὐτὸν κατὰ τὴν ἀνθρωπότητα, κατὰ πάντα ὁμοίον ἡμῖν χωρὶ ἁμαρτίας¹, πρό αἰώνων μὲν ἐκ τοῦ πατρὸς γεννηθέντα κατὰ τὴν θεότητα, ἐπ' ἐσχάτων δὲ τῶν ἡμερῶν τὸν αὐτὸν δι' ἡμᾶς καὶ διὰ τὴν ἡμετέραν σωτηρίαν ἐκ Μαρίας τῆς παρθένου τῆς Θεοτόκου κατὰ τὴν ἀνθρωπότητα ἓνα καὶ τὸν αὐτὸν Χριστόν υἱὸν κύριον μονογενῆ, ἐν δύο φύσεσιν ἀσυγχύτῳ, ἀτρέπτῳ, ἀδιαιρέτῳ, ἀχωρίστῳ γνωριζόμενου, οὐδαμοῦ τῇ τῶν φύσεων διαφορᾷ ἀνηρημένη διὰ τὴν ἐνωσιν, σωζομένη δὲ μᾶλλον τῇ ιδιότητι ἑκάτερα φύσεω καὶ εἰ ἐν πρόσωπον καὶ μίαν ὑπόστασιν συντρεχούσῃ, οὐκ εἰ δύο πρόσωπα μεριζόμενου ἢ διαιρούμενου, ἀλλ' ἓνα καὶ τὸν αὐτὸν υἱὸν μονογενῆ θεὸν λόγον κύριον Ἰησοῦν Χριστόν, καθάπερ ἄνωθεν οἱ προφῆται περὶ αὐτοῦ, καὶ αὐτὸ ἡμᾶς Ἰησοῦ

et illos qui passibilem deitatem Unigeniti ausi sunt dicere, a sacro coetu expellit et his qui in duabus naturis Christi temperamentum aut confusionem exquirunt, resistit et eos qui caelestem aut alterius aliquis esse substantiae dicunt quam ex nobis assumpsit servi formam, ut dementes abigit et qui duas quidem ante unionem naturas Domini fabulantur, unam vero post unionem confingunt, anathematizat.

Sequentes igitur sanctos patres unum eundemque confiteri Filium dominum nostrum Iesum Christum consonanter omnes docemus eundem perfectum in deitate, eundem perfectum in humanitate, Deum vere et hominem vere eundem ex anima rationali et corpore, consubstantialem Patri secundum deitatem et consubstantialem nobis eundem secundum humanitatem, per omnia nobis similem absque peccato¹, ante saecula quidem de Patre genitum secundum deitatem, in novissimis autem diebus eundem propter nos et propter salutem nostram ex Maria virgine Dei genetrice secundum humanitatem, unum eundemque Christum Filium dominum unigenitum, in duabus naturis inconfuse, immutabiliter, indivise, inseparabiliter agnoscendum, nusquam sublata differentia naturarum propter unionem magisque salva proprietate utriusque naturae et in unam personam atque subsistentiam concurrente, non in duas personas partitum sive divisum, sed unum et eundem Filium unigenitum Deum Verbum dominum Iesum Christum, sicut ante prophetae de eo et ipse nos Iesus Christus eru-

¹ Cf. Hcb 4,15.

dare to say that the divinity of the Only-begotten is passible; and it stands opposed to those who imagine a mixture or confusion between the two natures of Christ; and it expels those who have the mad idea that the servant-form he took from us is of a heavenly or some other kind of being; and it anathematises those who concoct two natures of the Lord before the union but imagine a single one after the union.

So, following the saintly fathers, we all with one voice teach the confession of one and the same Son, our Lord Jesus Christ: the same perfect in divinity and perfect in humanity, the same truly God and truly man, of a rational soul and a body; consubstantial with the Father as regards his divinity, and the same consubstantial with us as regards his humanity; like us in all respects except for sin¹; begotten before the ages from the Father as regards his divinity, and in the last days the same for us and for our salvation from Mary, the virgin God-bearer, as regards his humanity; one and the same Christ, Son, Lord, only-begotten, acknowledged in two natures which undergo no confusion, no change, no division, no separation; at no point was the difference between the natures taken away through the union, but rather the property of both natures is preserved and comes together into a single person and a single subsistent being; he is not parted or divided into two persons, but is one and the same only-begotten Son, God, Word, Lord Jesus Christ, just as the prophets taught from the beginning

¹ See Heb 4, 15.

Χριστό ἐξεπαιδευσεν, καὶ τὸ τῶν πατέρων ἡμῖν παραδέδωκε σύμβολον.

Τούτων τοίνυν μετὰ πάσῃ ακρίβεια τε καὶ ἐμμελείᾳ παρ' ἡμῶν διατυπωθέντων, ὥρισεν ἡ ἁγία καὶ οἰκουμενικὴ σύνοδος ἑτέραν πίστιν μηδενὶ ἐξεῖναι προφέρειν ἢ γοῦν συγγράφειν ἢ συντιθέναι, ἢ φρονεῖν ἢ διδάσκειν ἑτέρῳ ' τοῦ δὲ τολμώντα ἢ συντιθέναι πίστιν ἑτέραν ἢ γοῦν προκομίζειν ἢ διδάσκειν, ἢ παραδιδόναι ἕτερον σύμβολον τοῖ ἐθέλουσιν ἐπιστρέφειν εἰ ἐπίγνωσιν τῇ ἀλήθειᾳ ἐξ ἐλληνισμοῦ ἢ ἐξ ιουδαϊσμοῦ ἢ γοῦν ἐξ αἵρέσεω οἰασθηποτοῦν, τοῦτου εἰ μὲν εἶεν ἐπίσκοποι ἢ κληρικοὶ, ἀλλοτρίου εἶναι τοῦ ἐπισκόπου τῇ ἐπισκοπῇ καὶ τοῦ κληρικοῦ τοῦ κλήρου' εἰ δὲ μονάζοντε ἢ λαϊκοὶ εἶεν, ἀναθεματίζεσθαι.

diyit et patrum nobis symbolum tradidit.

His igitur cum omni undiquescrupulositate et diligentia a nobis dispositis definivit sancta et universalis synodus alteram fidem nulli licere proferre vel conscribere aut componere aut sentire aut docere aliter; eos autem qui ausi sunt aut componere fidem alteram aut certe proferre aut docere aut tradere alterum symbolum volentibus vel ex gentilitate ad agnitionem veritatis vel ex ludaeis vel ex haeresi quacumque converti, hos, si episcopi fuerint aut clerici, alienos esse episcopos ab episcopatu et clericos a clero, si vero monachi aut laici fuerint, anathematizari.

ΚΑΝΟΝΕΣ

A

Περὶ τοῦ ἐκάστη συνόδου τοῦ κανόνα ἀπαρασαλεύτῳ φυλάττεσθαι

Τοῦ παρὰ τῶν ἁγίων πατέρων καθ' ἐκάστην σύνοδον ἄχρι τοῦ νῦν ἐκτεθέντα κανόνα κρατεῖν ἐδικαιώσαμεν.

B

Περὶ τοῦ μὴ δεῖν ἐπὶ χρήμασι χειροτονεῖν

Εἰ τι ἐπίσκοπο ἐπὶ χρήμασι χειροτονίαν ποιήσοιτο καὶ εἰ πρᾶσιν καταγάγοι τὴν ἀπρατον χάριν, καὶ χειροτονήσοι ἐπὶ χρήμασιν ἐπίσκοπον ἢ χωρεπίσκοπον ἢ πρεσβύτερον ἢ διάκονον ἢ ἕτερόν τινα τῶν ἐν τῷ

CANONES

I

Ut sanctorum patrum regulae initiate serrentur

Regulas sanctorum patrum per singula nunc usque concilia constitutas proprium robur obtinere decrevimus.

II

Ut nullus episcopus per pecunias ordinetur

Si quis episcopus ob pecuniam fecerit ordinationem et sub pretio redegerit gratiam, quae non potest vendari, ordinaveritque per pecunias episcopum aut presbyterum seu diaconum vel quemlibet ex his, qui

» Cf. Can. ap. 29-30 (CSP 21); conc. Laod. (325/381), c. 12 (CSP 135); Basilius Caes., c. 90 (CPG 175-178).

about him, and as the Lord Jesus Christ himself instructed us, and as the creed of the fathers handed it down to us.

Since we have formulated these things with all possible accuracy and attention, the sacred and universal synod decreed that no one is permitted to produce, or even to write down or compose, any other creed or to think or teach otherwise. As for those who dare either to compose another creed or even to promulgate or teach or hand down another creed for those who wish to convert to a recognition of the truth from Hellenism or from Judaism, or from any kind of heresy at all: if they be bishops or clerics, the bishops are to be deposed from the episcopacy and the clerics from the clergy; if they be monks or layfolk, they are to be anathematised.

CANONS

1

On keeping the canons of each and every synod inviolate

We have deemed it right that the canons hitherto issued by the saintly fathers at each and every synod should remain in force.

2

Against performing ordinations for money'

If any bishop performs an ordination for money and puts the unsaleable grace on sale, and ordains for money a bishop, a chorepiscopus, a presbyter or a deacon or some other of those numbered among the clergy; or appoints a

¹ See Apostolic canons 29-30 (CSP 21; trans. Percival 595); council of Laodicea (325/381), canon 12 (CSP 135; trans. Percival 131); Basil of Caesarea, canon 90/91 (CPG 175-178; trans. Percival 610).

κλήρω καταριθμούμενων, ἡ ττροβά-
 λοιτο ἐπὶ χρήμασιν οἰκονόμον ἢ
 εκδικον ἢ παραμονάριον ἢ ὅλω τινά
 τοῦ κανόνο δι' αἰσχροκέρδειαν οἰ-
 8 κείαν, ὁ τοῦτο ἐπιχειρήσα ελεγ-
 χθεὶ κινδυνεύετω εἰ τὸν οἰκεῖον
 βαθμόν- καὶ ὁ χειροτονοῦμενο μηδέν
 ἐκ τη κατ' ἐμπορίαν ὠφελείσθω
 χειροτονία ἢ προβολή, ἀλλ' ἐστω
 10 ἀλλότριον τῇ ἀξία ἢ τοῦ φροντί-
 σματος, οὐπὲρ ἐπὶ χρήμασιν ἐτυχεν.
 Εἰ δέ τι καὶ μεσιτεῶν φανείη τοῖ
 οὕτω αἰσχροῖ καὶ ἀθεμίτοι λήμ-
 μασι, καὶ οὕτο, εἰ μὲν κληρικὸ
 15 εἶη, τοῦ οικείου ἐκπιπτέτω βαθμοῦ,
 εἰ δέ λαϊκὸ ἢ μοναχὸ, ἀναθεμα-
 τιζέσθω.

connumerantur in clero, aut promo-
 verit per pecunias dispensatorem aut
 defensorem vel quemquam, qui sub-
 iectus est regulae, pro suo turpissi-
 mi lucri commodo: is, cui hoc ad-
 temptanti probatum fuerit, proprii
 gradus periculo subiacebit, et qui
 ordinatus est, nihil ex hac ordina-
 tione vel promotione, quae est per
 negotiationem facta, proficiat. Sed
 sit alienus ea dignitate vel sollicitu-
 dine, quam per pecunias adquisivit.
 Si quis vero mediator tam turpibus
 et nefandis datis vel acceptis exstite-
 rit, si quidem clericus fuerit, proprio
 gradu decadat, si vero laicus aut
 monachus anathematizetur.

Γ

Περὶ τοῦ μὴ δεῖν κληρικὸν ἢ μοναχὸν
 ἀλλοτρίων φροντίζειν πραγμάτων¹

III

*Ut nullus tpiscopui aut clericut aut
 monacbut conductor excidat¹*

20 ΤΗλθεν εἰ την ἀγίαν σύνοδον ὅτι
 τῶν ἐν τῷ κλήρω κατειλεγμένων
 τινέ δι' αἰσχροκερδίαν ἀλλοτρίων
 κτημάτων γίνονται μισθωτοὶ καὶ
 πράγματα κοσμικὰ ἐργολαμβάνουσι,
 25 τῇ μὲν τοῦ θεοῦ λειτουργία κατα-
 ραθυμοῦντε, τοῦ δέ τῶν κοσμικῶν
 ὑποτρέχο' τε οἴκου καὶ οὐσιῶν χει-
 ρισμού ἀναδεχόμενοι διὰ φιλαργυ-
 ρίαν. Ὡρισεν τοίνυν ἡ ἀγία καὶ με-
 30 γάλη σύνοδος μηδένα τοῦ λοιποῦ,
 μὴ ἐπίσκοπον μὴ κληρικὸν μὴ μο-
 νάζοντα, ἢ μισθοῦσθαι κτήματα ἢ
 πραγμάτων κοσμικῶν παρεισάγειν
 ἑαυτὸν διοικητὴν, πλὴν εἰ μήπου ἐκ
 35 νόμων καλοῖτο εἰ ἀφηλίκων ἀπα-
 ραίτητον ἐπιτροπὴν, ἢ ὁ τῇ πόλει
 ἐπίσκοπο ἐκκλησιαστικῶν ἐπιτρέ-
 ψοι φροντίζειν πραγμάτων, ἢ ορφαν-
 ῶν καὶ χηρῶν ἀπρονοήτων καὶ τῶν
 40 προσώπων τῶν μάλιστα τῇ ἐκκλη-
 σιαστικῇ δεομένων βοήθεια, διὰ
 τὸν φόβον τοῦ κυρίου. Εἰ δέ τι

Pervenit ad sanctam synodum, quod
 quidam qui in clero videntur allekti,
 propter lucra turpia conductores
 alienarum possessionum fiant et
 saecularia negotia sub cura sua sus-
 cipiant, Dei quidem ministerium
 parvipendentes, saecularium vero
 discurrentes domos, propter avari-
 tiam patrimoniorum sollicitudines
 assumentes. Decrevit itaque sanc-
 tum hoc magnumque concilium,
 nullum deinceps, non episcopum
 non clericum vel monachum, aut
 possessiones conducere aut negotiis
 saecularibus sese miscere, praeter
 pupillorum, si forte curam inexcusa-
 bilem leges inponant, aut civitatis
 episcopus ecclesiasticarum rerum
 sollicitudinem habere praecipiat, aut
 orphanorum et viduarum earumque,
 quae sine ulla provisione sunt, per-
 sonarum, quae maxime ecclesiastico
 indigent adiutorio, propter timo-

¹ Cf. Can. ap. 6, 81, 83 (CSP 11, 49, 50); conc. Carth. (419), c. 16 (CSP 230).

manager, a legal officer or a warden for money, or any other ecclesiastic at all for personal sordid gain; let him who has attempted this and been convicted stand to lose his personal rank; and let the person ordained profit nothing from the ordination or appointment he has bought; but let him be removed from the dignity or responsibility which he got for money. And if anyone appears to have acted even as a go-between in such disgraceful and unlawful dealings, let him too, if he is a cleric, be demoted from his personal rank, and if he is a lay person or a monk, let him be anathematised.

3

*Against a cleric or a monk concerning himself with other people's business*¹

It has come to the notice of the sacred synod that some of those enrolled in the clergy are, for sordid gain, acting as hired managers of other people's property, and are involving themselves in wordly business, neglecting the service of God, frequenting the houses of worldly persons and taking over the handling of property out of avarice. So the sacred and great synod has decreed that in future no one, whether a bishop, a cleric or a monk, should either manage property or involve himself as an administrator of worldly business, unless he is legally and unavoidably summoned to take care of minors, or the local bishop appoints him to attend, out of fear of the Lord, to ecclesiastical business or to orphans and unprovided widows and persons in special need of ecclesiastical support. If in

¹ Sec Apostolic canons 6, 81, 83 (CSP 11, 49, 50; trans. Percival 594, 599); council of Carthage (419), canon 16 (CSP 230; trans. Percival 450).

παραβαίνειν τὰ ὠρισμένα τοῦ λοιποῦ
επιχειρήσω, ὁ τοιοῦτο ἐκκλησια-
στικοὶ ὑποκείσθω ἐπιτιμιοί .

Δ

Περὶ τοῦ μὴ δεῖν μοναχοῦ ποιεῖν τι
παρὰ γνώμην τοῦ ἰδίου επισκόπου ἢ
συνιστάν μοναστήριον, μήτε κοσμικὰ
ἀναδέχεσθαι φροντίδα 1

Οἱ ἀληθινῶ καὶ εἰλικρινῶ τον μο-
νήρη μετιόντε βίον τη προσηκού-
ση ἀξιούσθωσαν τιμῇ . Επειδὴ
δέ τινε τῷ μοναχικῷ κεχρημέ-
νοι προσχήματι, τὰ τε ἐκκλησία
καὶ τὰ πολιτικά ταρασσουσι πράγ-
ματα, περιιόντε ἀδιαφόρῳ ἐν ταῖ
πόλεσιν, οὐ μὴν ἀλλὰ καὶ μοναστή-
ρια ἑαυτοὶ συνιστάν ἐπιτηδεύοντε ,
έδο ε μηδένα μηδαμοῦ οικοδομεῖν
μηδέ συνιστάν μοναστήριον ἢ εὐκτή-
ριον οἶκον παρὰ γνώμην τοῦ τη
πόλεω επισκόπου. Τοῦ δέ καθ'
ἐκάστην πόλιν καὶ χώραν μονάζον-
τα ὑποτετάχθαι τῷ επισκοπῷ, καὶ
τὴν ησυχίαν ἀσπάζεσθαι, καὶ προσ-
έχειν μόνη τη νηστεία καὶ τη προσ-
ευχῇ, ἐν οἱ τόποι ἀπετάξαντο προσ-
καρτεροῦντε , μήτε δέ ἐκκλησια-
στικοῖ μήτε βιωτικοῖ παρενοχλεῖν
πράγμασιν ἢ ἐπικοινωνεῖν, καταλιμ-
πάνοντε τὰ ἴδια μοναστήρια, εἰ μὴ
ποτέ ἀρα ἐπιτραποῖεν διὰ χρεῖαν
ἀναγκαίαν ὑπὸ τοῦ τη πόλεω ἐπι-
σκόπου. Μηδένα δέ προσδέχεσθαι *εν*
τοῖ μοναστηρίοι δούλον ἐπὶ τὸ
μονάσαι παρὰ γνώμην τοῦ ἰδίου δε-
σπότη. Τὸν δέ παραβαίνοντα τοῦτον
ἡμῶν τὸν ὅρον ὠρίσαμεν ἀκοινώνητον
εἶναι, ἵνα μὴ τὸ ὄνομα τοῦ θεοῦ βλασ-
φημῇται². Τὸν μεντοι ἐπίσκοπον τη
πόλεω χρή τὴν δέουσαν πρόνοιαν
ποιεῖσθαι τῶν μοναστηρίων.

rem Domini causa deponat. Si quis
autem transgredi de cetero statuta
temptaverit, huiusmodi ecclesiasti-
cis increpationibus subiacebit.

IV

De honore menaeoncm, et ut nullis se actibus tel 5
ecclesiasticis re! saecularibus misceant, nec alienum
senum praeter conscientiam domini sui recipiantl

Qui vere et sincere singularem sec-
tantur vitam, conpetenti honore di- 10
gni habeantur. Quoniam vero qui-
dam utentes habitu monachi eccle-
siastica negotia civiliaque contur-
bent, circumeuntes indifferenter ur-
bes necnon et monasteria sibi insti- 15
tuere praesumentes, placuit nullum
quidem usquam aedificare aut con-
stituere monasterium vel oratorii
domum praeter conscientiam civi-
tatis episcopi. Monachos vero per 20
unamquamque civitatem aut regio-
nem subiectos esse episcopo et quie-
tem diligere et intentos esse tantum-
modo ieiunio et orationi, in locis,
quibus renuntiaverunt sacculo, per- 25
manentes. Nec ecclesiasticis vero
nec saecularibus negotiis commu-
nicent, vel in aliquo sint molesti pro-
pria monasteria deserentes, nisi forte
his praeciatur propter opus ne 30
cessarium ab episcopo civitatis.
Nullum vero recipere in monasteriis
servum obtentu monachi, praeter
sui domini conscientiam. Trans-
gredientem vero hanc definitionem 35
nostram, excommunicatum esse de-
crevimus, ne nomen Dei blasphe-
metur². Verum tamen episcopum
convenit civitatis conpetentem mo-
nasteriorum providentiam gerere. 40

1 Cf. Can. ap. 82 (CSP 49); conc. Gangr. (ca 340), c. 3 (CSP 80); conc. Carth. (419), cc. 64, 82 (CSP 301, 322).

1 Cf. Rm 2,24; 1 Tm 6,1.

future anyone attempts to transgress these decrees, he must be subject to ecclesiastical penalties.

4

Against monks doing anything against the will of their own bishop, or founding a monastery, or taking on worldly concerns'

Those who truly and sincerely live the monastic life should be accorded appropriate recognition. But since there are some who don the monastic habit and meddle with the churches and in civil matters, and circulate indiscriminately in the cities and even are involved in founding monasteries for themselves, it has been decided that no one is to build or found a monastery or oratory anywhere against the will of the local bishop; and that monks of each city and region are to be subject to the bishop, are to foster peace and quiet, and attend solely to fasting and prayer, staying set apart in their places. They are not to abandon their own monasteries and interfere, or take part, in ecclesiastical or secular business, unless they are perhaps assigned to do so by the local bishop because of some urgent necessity. No slave is to be taken into the monasteries to become a monk against the will of his own master. We have decreed that anyone who transgresses this decision of ours is to be excommunicated, lest God's name be blasphemed¹. However, it is for the local bishop to exercise the care and attention that the monasteries need.

¹ See Apostolic canons 82 (CSP 49; trans. Percival 599); council of Gangra (about 340), canon 3 (CSP 80; trans. Percival 93); council of Carthage (419), canons 64, 82 (CSP 301, 322; trans. Percival 474, 482).

² See Rm 2, 24; 1 Tm 6, 1.

Ε

Περὶ τοῦ μὴ δεῖν ἀπὸ ἐκκλησία
ἐτέρα εἰ ἐτέραν μετατίθεσθαι
κληρικόν¹

Περὶ τῶν μεταβαινόντων ἀπὸ πό-
λεω εἰ πόλιν ἐπισκόπων ἢ κληρι-
κῶν ἔδοξε τοῦ περὶ τούτων τεθέν-
τα κανόνα παρὰ τῶν ἁγίων πατέ-
ρων τὴν ἰδίαν ἔχειν ἰσχύν.

V

*De episcopis rei clericis, ut de civitate
ad civitatem non transeant¹*

De his, qui transmigrant de civitate
in civitatem episcopis aut clericis,
placuit ut canones, qui de hac re
a sanctis patribus statuti sunt, habe-
ant propriam firmitatem.

VI

Περὶ τοῦ μὴ δεῖν ἀπολελυμένω
10 χειροτονεῖσθαι τινὰ τῶν κληρικῶν²

Μηδένᾳ ἀπολελυμένω χειροτονεῖ-
σθαι, μήτε πρεσβύτερον, μήτε διά-
κονον, μήτε ὅλῳ τινὰ τῶν ἐν τῷ
ἐκκλησιαστικῷ τάγματι, εἰ μὴ ἰδι-
15 κῷ ἐν ἐκκλησίᾳ πόλεω ἢ κώμῃ ἢ
μαρτυρίῳ ἢ μοναστηρίῳ ὁ χειροτο-
νούμενο ἐπικηρύττοιο, Τοῦ δὲ ἀ-
πολύτῳ χειροτονουμένου ὥρισεν
ἡ ἁγία σύνοδος ἄκυρον εἶναι τὴν
20 τοιαύτην· χειροθεσίαν καὶ μηδαμοῦ
δύνασθαι ἐνεργεῖν, ἐφ' ὕβρει τοῦ χει-
ροτονήσαντο .

Ut nullum absolute liceat ordinari²

Nullum -absolute ordinari debere
presbyterum aut diaconum nec
quemlibet in gradu ecclesiastico,
nisi specialiter ecclesiae civitatis aut
possessionis aut martyrii aut mona-
sterii qui ordinandus est pronuntie-
tur. Qui vero absolute ordinantur,
decrevit sancta synodus, irritam
esse huiusce modi manus inpositio-
nem, et nusquam posse ministrare,
ad ordinantis iniuriam.

Ζ

Περὶ τοῦ μὴ δεῖν κληρικοῦ ἢ μονα-
χοῦ γίνεσθαι κοσμικοῦ³

25 Τοῦ ἀπαξ ἐν κλήρῳ τεταγμένου
ἢ μονάσαντα ὥρισamen μήτε ἐπὶ
στρατείαν μήτε ἐπὶ ἀξία/ κοσμικὴν
ἐρχεσθαι, ἢ τοῦ τούτο τολμήσαντα
καὶ μὴ μεταμελουμένου , ὥστε ἐπι-
30 στρέψαι ἐπὶ τούτο, ὃ διὰ θεὸν πρό-
τερον εἶλοντο, ἀναθεματίζεσθαι.

vn

*Ut si quis clericum vel monachum se professus ad
saeculum redierit, anathematizetur³*

Qui semel in clero deputati sunt aut
monachorum vitam expetiverunt,
statuimus, neque ad militiam neque
ad dignitatem aliquam venire mun-
danam aut, hoc temptantes et non
agentes poenitentiam, ut redeant ad
hoc, quod propter Deum prius ele-
gerunt, anathematizari.

¹ Cf. conc. Nic., cc. 15, 16 (v. supra p. 13); Can. ap. 14, 15 (CSP 14-15); conc. Antioch. (341), cc. 3, 16, 21 (CSP 106-107, 117, 121); conc. Sard. (342/343), cc. 1, 2, 15, 16, 19 (CSP 159-161, 182-183, 185); conc. Carth. (419), cc. 48, 54, 90 (CSP 265-266, 277-279, 334).

* Conc. Néocaes. (315/324), c. 13 (CSP 81).

¹ Cf. c. 3 (v. supra p. 88); Can. ap. 6, 81, 83 (CSP 11, 49-50); conc. Carth. (419), c. 16 (CSP 230-231).

5

Against the transfer of a cleric from one church to another¹

In the matter of bishops or clerics who move from city to city, it has been decided that the canons issued by the holy fathers concerning them should retain their proper force.

6

Against the ordination of any cleric without title²

No one, whether presbyter or deacon or anyone at all who belongs to the ecclesiastical order, is to be ordained without title, unless the one ordained is specially assigned to a city or village church or to a martyr's shrine or a monastery. The sacred synod has decreed that the ordination of those ordained without title is null, and that they cannot operate anywhere, because of the presumption of the one who ordained them.

7

Against clerics or monks returning to the world³

We decree that those who have once joined the ranks of the clergy or have become monks are not to depart on military service or for secular office. Those who dare do this, and do not repent and return to what, in God, they previously chose, are to be anathematised.

¹ See council of Nicaea, canons 15, 16 (see above p. 13); Apostolic canons 14, 15 (CSP 14-15; trans. Percival 594); council of Antioch (341), canons 3, 16, 21 (CSP 106-107, 117, 121; trans. Percival 109, 116, 118-119); council of Sardica (342/343), canons 1, 2, 15, 16, 19 (CSP 159-161, 182-183, 185; trans. Percival 415-416, 429-432); council of Carthage (419), canons 48, 54, 90 (CSP 265-266, 277-279, 334; trans. Percival 464, 468, 485).

² Council of Neocaesarea (315/324), canon 13 (CSP 81; trans. Percival 85).

³ See canon 3 (see above p. 88); Apostolic canons 6, 81, 83 (CSP 11, 49-50; trans. Percival 594, 597); council of Carthage (419), canon 16 (CSP 230-231; trans. Percival 450).

H

Περὶ τοῦ δεῖν τὰ πτωχεῖα καὶ μαρ-
τυρεῖ» καὶ μοναστήρια ὑπὸ τὸν ἐπί-
σκοπον εἶναι

Οἱ κληρικοὶ τῶν πτωχείων καὶ μοναστηρίων καὶ μαρτυρίων ὑπὸ τὴν ἐξουσίαν τῶν ἐν ἑκάστη πόλει ἐπισκόπων κατὰ τὴν τῶν ἁγίων πατέρων παράδοσιν διαμενέτωσαν καὶ μὴ κατὰ αυθάδειαν ἀφηνιάτωσαν τοῦ ἰδίου ἐπισκόπου. Οἱ δὲ τολμώντε ἀνατρέπειν τὴν τοιαύτην διατύπωσιν καθ' οἷονδῆποτε τρόπον καὶ μὴ ὑποτασσόμενοι τῷ ἰδίῳ ἐπισκόπῳ, εἰ μὲν εἴεν κληρικοὶ, τοῖς τῶν κανόνων ὑποκείσθωσαν ἐπιτιμίῳ, εἰ δὲ μονάζοντε ἢ λαϊκοὶ, ἐστῶσαν ἀκοινωνῶνται.

Θ

Περὶ τοῦ μὴ δεῖν κληρικοῦ εἰ κοσμικὸν ἀπιέναι δικαστήριον, ἀλλὰ παρὰ τῷ ἰδίῳ ἐπισκόπῳ δικάζεσθαι

Εἰ τί κληρικὸ πρό κληρικὸν πράγμα ἔχοι, μὴ καταλιμπανέτω τὸν οἰκεῖον ἐπίσκοπον καὶ ἐπὶ κοσμικὰ δικαστήρια κατατρεχέτω, ἀλλὰ πρότερον τὴν ὑπόθεσιν γυμναζέτω παρὰ τῷ οἰκείῳ ἐπισκόπῳ, ἢ γοῦν γνώμη αὐτοῦ τοῦ ἐπισκόπου, παρ' οἷς ἀντὰ ἀμφοτέρω μέρη βούλονται, τὰ τῇ δίκῃ συγκροτεῖσθαι· εἰ δὲ τι παρὰ ταῦτα ποιήσῃ, κανονικοῖς ἐπιτιμίῳ ὑποκείσθω. Εἰ δὲ κληρικὸν πράγμα ἔχοι πρό τὸν ἰδίον ἢ καὶ πρό ἕτερον ἐπίσκοπον, παρὰ τῇ συνόδῳ τῇ ἐπαρχίᾳ δικάζεσθω. Εἰ δὲ πρό τὸν τῇ αὐτῇ ἐπαρχίᾳ μητροπολίτην ἐπίσκοπον ἢ κληρικὸν ἀμφισβητοίῃ, καταλαμβανέτω ἢ τὸν ἐξάρχον τῇ διοικήσει ἢ τὸν τῇ βασιλευούσῃ Κωνσταντινουπόλει θρόνον, καὶ ἐπ' αὐτὸν δικάζεσθω.

VIII

De clericis re! dispensatoribus pauperum re! monasteriorum, ut sub episcopi sui potestate permaneant

Clerici, qui praeficiuntur ptochiis vel qui ordinantur in monasteriis et basilicis martyrum, sub episcoporum, qui in unaquaque civitate sunt secundum sanctorum patrum traditiones, potestate permaneant, nec per contumaciam ab episcopo suo dissiliant. Qui vero audent evertere huiusmodi formam quocumque modo nec proprio subiciuntur episcopo, si quidem clerici sint, canonum correptionibus subiacebunt, si vero laici vel monachi fuerint, communione priventur.

IX

Ut clerici inter se confligentes adeant episcopum proprium et saecularia iudicia non requirant

Si quis clericus adversum clericum habet negotium, non deserat episcopum proprium et ad saecularia percurrat iudicia, sed prius actio ventiletur apud episcopum proprium vel certe consilio eiusdem episcopi, apud quos utraeque partes voluerint, iudicium continebunt. Si quis autem praeter haec fecerit, canonicis correptionibus subiacebit. Quod si clericus habet causam adversum episcopum proprium vel adversum alterum, apud synodum provinciae iudicetur. Quod si adversus eiusdem provinciae metropolitanum episcopus vel clericus habet querelam, petat primatem dioeceseos aut sedem regiae urbis Constantinopolis et apud ipsam iudicetur.

1 Cf. conc. Constantin. I, c. 6 (v. supra pp. 33-34); Can. ap. 74 (CSP 45); conc. Antioch. (341), cc. 14, 15 (CSP 115-116); conc. Carth. (419), cc. 8, 12, 15, 19, 20, 28, 79, 87, 96, 104, 107, 125, 128-130 (CSP 221, 225, 228, 234-237, 243, 320, 332, 360, 369, 373, 396, 402-404).

8

That almshouses, martyrs' shrines and monasteries are to be subject to the bishop

Clerics in charge of almshouses and monasteries and martyrs' shrines are, in accordance with the tradition of the holy fathers, to remain under the jurisdiction of the bishop in each city. They are not to be self-willed and rebellious towards their own bishop. Those who dare to break a rule of this kind in any way whatever, and are not obedient to their own bishop, are, if they are clerics, to be subject to the canonical penalties; and if they are monks or layfolk they are to be made excommunicate.

9

Against clerics going to a secular court; they are to bring the case before their own bishop'

If any cleric has a case to bring against a cleric, let him not leave his own bishop and take himself off to the secular courts, but let him first air the problem before his own bishop, or at least, with the permission of the bishop himself, before those whom both parties are willing to see act as arbiters of their lawsuit. If anyone acts in a contrary fashion, let him be subject to canonical penalties. If a cleric has a case to bring either against his own or against another bishop, let him bring the case to the synod of the province. If a bishop or a cleric is in dispute with the metropolitan of the same province, let him engage either the exarch of the diocese or the see of imperial Constantinople, and let him bring his case before him.

¹ See council of Constantinople I, canon 6 (see above pp. 33-34); Apostolic canons 74 (CSP 45; trans. Percival 599); council of Antioch (341), canons 14, 15 (CSP 115-116; trans. Percival 115); council of Carthage (419), canons 8, 12, 15, 19, 20, 28, 79, 87, 96, 104, 107, 125, 128-130 (CSP 221, 225, 228, 234-237, 243, 320, 332, 360, 369, 373, 396, 402-404; trans. Percival 446, 448-449, 451-452, 456, 481, 484, 491, 494-496, 502, 504-505).

I

Περὶ τοῦ μὴ δεῖν κληρικὸν ἐν δύο πόλεων ἐκκλησίαι κατατάττεσθαι¹

Μὴ ἐξεῖναι κληρικὸν ἐν δύο πόλεων κατὰ ταύτῃν κατατάττεσθαι ἐκκλη-
 & σίαι, ἐν ἣ τε τὴν ἀρχὴν ἐχειρο-
 τονήθη καὶ ἐν ἣ προσέφυγεν, ὡ
 μείζονι δῆθεν, διὰ δόξῃ κενὴ ἐπι-
 θυμίαν τοῦ δέ γε τοῦτο ποιοῦντα
 ἀποκαθιστάν τῃ Ἰδίᾳ ἐκκλησίᾳ, ἐν ἣ
 10 ἐξ ἀρχῇ ἐχειροτονήθησαν, καὶ ἐκεῖ
 μόνον λειτουργεῖν. Εἰ μέντοι ἤδη
 τινὲ μετηνέχθησαν ἐξ ἄλλῃ εἰ
 ἄλλην ἐκκλησίαν, μηδὲν τοῖ τῇ προ-
 τέρα ἐκκλησίᾳ, ἥτοι τῶν ὑπ' αὐτῇ
 15 μαρτυρίων ἢ πτωχείων ἢ ξενοδοχεί-
 ων, ἐπικοινωνεῖν πράγμασι. Τοῦ δέ
 τολμώντα μετὰ τὸν ὅρον τοῦτον
 τῇ μεγάλῃ καὶ οἰκουμενικῇ τού-
 τη συνόδῳ πράττειν τι τῶν νῦν
 20 ἀπηγορευμένων, ὥρισεν ἡ ἁγία σύν-
 οδος ἐκπίπτειν τοῦ οἰκείου βαθμοῦ.

X

Ut nullus clericus in duabus ministret cccltsiit²

Non licere clericum in duarum civi-
 tatum simul pronuntiari ecclesiis, et
 in qua initio ordinatus est et ad
 quam confugit, quasi ad potiorcm,
 ob inanis gloriae cupiditatem: hoc
 autem facientes revocari debere ad
 suam ecclesiam, in qua initio ordi-
 nati sunt et ibi tantur>...odo mini-
 strare. Si vero iam quis translatus
 est ex alia in aliam ecclesiam, nihil
 prioris ecclesiae aut sub ea marty-
 rum aut pauperum commorationis
 aut xenodochiorum rebus omnino
 communicet. Eos vero qui ausi
 fuerint post definitionem magnae et
 universalis huius synodi quicquam
 ex his quae sunt prohibita perpe-
 trare, decrevit sancta synodus pro-
 prio huiusmodi gradu recidere.

IA

Περὶ τοῦ εἰρηνικοῖ γράμμασι τοῦ
 δεομένου ἐπικουρία ἐφοδιάζεσθαι,
 αἱ γὰρ συστατικαὶ τοῖ ἐν ὑπολήψει
 25 δίδονται²

*Ut cunctis pauperibus epistularia tribuantur,
 honoratioribus vero personis commendaticiae
 litterae²*

Πάντα τοῦ πένητα καὶ δεόμε-
 νου ἐπικουρία μετὰ δοκιμασία
 ἐπιστολίοι ἡγουν εἰρηνικοὶ ἐκκλη-
 σιαστικοὶ μόνοι ὀδεύειν ὥρισamen
 30 καὶ μὴ συστατικοῖ, διὰ τὸ τὰ συ-
 στατικὰ ἐπιστολὰ προσήκειν τοῖ
 οὖσιν ἐν ὑπολήψει μόνοι παρέχε-
 σθαι προσώποι.

Omnes pauperes et indigentes auxi-
 lio, cum proficiscuntur, sub proba-
 tione epistolis ecclesiasticis pacifi-
 cis tantummodo commendari decre-
 vimus, et non commendaticiis litte-
 ris, propterea quod commendaticiae
 litterae personis honoratioribus*
 solummodo conceduntur.

» *τ-ε* ὑπολ. in suspicionem adductis p. 7. CCO (cf. infra c. 21)

¹ Cf. conc. Nic., cc. 15-16 (v. supra p. 13); Can. ap. 15 (CSP 15); conc. Antioch. (341), c. 3, (CSP 106-107); conc. Sard. (342/343), cc. 15,16 (CSP 182-183); conc. Carth. (419), cc. 54, 90 (CSP 277-279, 334).

² Cf. Can. ap. 12, 33 (CSP 13, 23); conc. Antioch. (341), cc. 7, 8, 11 (CSP 110,113); conc. Laod. (325/381), cc. 41-42 (CSP 147-148); conc. Sard. (342/343), cc. 7-8 (CSP 168-170); conc. Carth. (419), cc. 23, 89, 106 (CSP 238, 333, 370-371).

10

Against the appointment of a cleric to churches in two cities'

A cleric is not allowed to be appointed to churches in two cities at the same time: to the one where he was originally ordained, and to another more important one to which he has betaken himself out of desire to increase a baseless reputation. Those who do this are to be sent back to their own church in which they were ordained at the beginning, and only there are they to serve. But if some have already been transferred from one church to another, they are not to take part in any of the affairs of their former church, or of the martyrs' shrines or almshouses or hospices that come under it. The sacred synod has decreed that those who, subsequent to this decree of this great and universal synod, dare to do anything that is now forbidden are to lose their personal rank.

11

On supplying the needy with letters of peace for journeys; letters of commendation are given to reputable persons?

We have decreed that, subject to examination, all paupers and needy persons are to travel with ecclesiastical letters or letters of peace only, and not of commendation, since it befits only reputable persons to be provided with letters of commendation.

¹ See council of Nicaea, canons 15-16 (see above p. 13); Apostolic canons 15 (CSP 15; trans. Percival 594); council of Antioch (341), canon 3 (CSP 106-107; trans. Percival 109); council of Sardica (342/343), canons 15, 16 (CSP 182-183; trans. Percival 429-430); council of Carthage (419), canons 54, 90 (CSP 277-279, 334; trans. Percival 468, 485).

¹ See Apostolic canons 12, 33 (CSP 13, 23; trans. Percival 594, 596); council of Antioch (341), canons 7, 8, 11 (CSP 110, 113; trans. Percival 111-112, 114); council of Laodicea (325/381), canons 41-42, (CSP 147-148; trans. Percival 152); council of Sardica (342/343), canons 7-8 (CSP 168-170; trans. Percival 421-423); council of Carthage (419), canons 23, 89, 106 (CSP 238, 333, 370-371; trans. Percival 453, 485, 495).

IB

Περὶ τοῦ μὴ δεῖν ἐκ βασιλικοῦ γράμ-
ματο ἐπίσκοπον γίνεσθαι μητροπο-
λίτην, καὶ ὅτι εἰ δύο ἐπαρχία μία
οὐ τέμνεται¹

Ἦλθεν εἰ ἡμᾶ ὦ τινε παρὰ
τοῦ ἐκκλησιαστικοῦ θεσμοῦ προσ-
δραμόντε δυναστεῖαι διὰ πραγ-
ματικῶν τὴν μίαν ἐπαρχίαν εἰ δύο
κατέτεμον, ὦ ἐκ τοῦτου δύο μη-
τροπολίτα εἶναι ἐν τῇ αὐτῇ ἐπαρχία.
Ὡρισε τοίνυν ἡ ἀγία σύνοδος τοῦ
λοιποῦ μηδὲν τοιοῦτο τολμάσθαι πα-
ρὰ ἐπισκόπου, ἐπεὶ τὸν τοῦτο ἐπι-
χειροῦντα ἐκπίπτειν τοῦ οἰκείου βαθ-
μοῦ. *Ὅσαι δὲ ἤδη διὰ γραμμάτων
βασιλικῶν τῷ τῇ μητροπόλει ἐτι-
μήθησαν ὀνόματι, μόνῃ ἀπολαυέτω-
σαν τῇ τιμῇ καὶ ὁ τὴν ἐκκλησίαν
αὐτὴ διοικῶν ἐπίσκοπος, δηλονότι
σωζομένων τῇ κατὰ ἀλήθειαν μη-
τροπόλει τῶν οἰκείων δικαίων.

IIΓ

Περὶ τοῦ μὴ δεῖν κληρικοῦ ἀπιόντα
χωρὶ γραμμάτων συστατικῶν
λειτουργεῖν²

Ξένου κληρικοῦ καὶ ἀναγνώστα
ἐν ἑτέρᾳ πόλει δίχα συστατικῶν
γραμμάτων τοῦ ἰδίου ἐπισκόπου μη-
δὲ ὅλῳ μηδαμοῦ λειτουργεῖν.

• IΔ

Περὶ τοῦ μὴ δεῖν ιερατικοῦ προ-
αίρετικοῦ ἐπιγαμία ποιεῖ?

Ἐπειδὴ ἐν τισιν ἐπαρχίαι συγκε-
χώρηται τοῖς ἀναγνώστῃ καὶ ψάλ-
ται γαμεῖν, ὥρισεν ἡ ἀγία σύνοδος

XII

Ut in una provincia unus iit metropolitan!*
episcopus!

Pervenit ad nos, quod quidam prae- s
ter ecclesiastica statuta facientes con-
volarunt ad potestates et per prag-
maticam formam in duo unam pro-
vinciam diviserunt, ita ut ex hoc
facto duo metropolitani esse vide- 10
antur in una provincia. Statuit ergo
sancta synodus de reliquo nihil
ab episcopis tale temptari, alioquin
qui hoc adnitus fuerit, amissioni
gradus proprii subiacebit. Quae- is
cumque vero civitates litteris impe-
rialibus metropolitani nominis ho-
nore subnixae sunt, honore tantum-
modo perimantur, et qui ecclesiam
eius gubernat episcopus, salvis scilicet 20
verae metropolis privilegiis suis.

XIII

*Ut in aliena ecclesia clerici non ministrent**

Peregrinos clericos et lectores in 25
alia civitate praeter commendaticias
litteras sui episcopi nusquam peni-
tus ministrare debere.

XIV

Quod in quibusdam provinciis lectores uxores
accipere permittantur, ne praesumpserint se baere- 30
*licis coniungere**

Quoniam in quibusdam provinciis
concessum est lectoribus et psal-
mistis uxores accipere, statuit sanc-

¹ Cf. conc. Nic., cc. 6-8 (v. supra pp. 8-10); conc. Constantin. I, cc. 2-3 (v. supra pp. 31-32);
conc. Eph., c. 8 (v. supra pp. 68-69); Can. ap. 34 (CSP 24).

« Cf. Can. ap. 12,15 (CSP 13,15).

» Cf. Can. ap. 26 (CSP 19); conc. Laod. (325/381), cc. 10, 31 (CSP 134-135, 143); conc.
Carth. (419), cc. 16, 21, 25 (CSP 230, 237, 240-241).

12

*Against a bishop becoming a metropolitan by imperial writ, and that one province is not to be divided into two*²

It has come to our notice that, contrary to the ecclesiastical regulations, some have made approaches to the civil authorities and have divided one province into two by official mandate, with the result that there are two metropolitans in the same province. The sacred synod therefore decrees that in future no bishop should dare do such a thing, since he who attempts it stands to lose his proper station. Such places as have already been honoured by imperial writ with the title of metropolis must treat it simply as honorary, and that goes also for the bishop who is in charge of the church there, without prejudice of course to the proper rights of the real metropolis.

13

*Against allowing clerics who have come without letters of commendation to serve*¹

Foreign clerics and readers without letters of commendation from their own bishop are absolutely forbidden to serve in another city.

14

*Against marriages between those in holy orders and heretics*³

Since in certain provinces readers and cantors have been allowed to marry, the sacred synod decrees that none of them is permitted to marry a wife of heter-

¹ See council of Nicaea, canons 6-8 (see above pp. 8-10); council of Constantinople I, canons 2-3 (see above 31-32); council of Ephesus, canon 8 (see above pp. 68-69); Apostolic canons 34 (CSP 24; trans. Percival 596).

² See Apostolic canons 12, 15 (CSP 13, 15; trans. Percival 594).

³ See Apostolic canons 26 (CSP 19; trans. Percival 595); council of Laodicea (325/381), canons 10, 31 (CSP 134-135, 143; trans. Percival 129, 149); council of Carthage (419), canons 16, 21, 25 (CSP 230, 237, 240-241; trans. Percival 450, 452, 454).

μή ἐξεῖναι τινι αὐτῶν ἑτερόδοξον
 γυναῖκα λαμβάνειν. Τοῦ δέ ἡδὴ ἐκ
 τοιούτων γάμων παιδοποιήσαντα ,
 εἰ μὲν ἐφθασαν βαπτίσει τὰ ἐξ αὐ-
 5 τῶν τεχθέντα παρὰ τοῦ αἵρετικοῦ ,
 προσάγειν αὐτὰ τῇ κοινωνίᾳ τῇ κα-
 θολικῇ ἐκκλησίᾳ , μή βαπτισθέντα
 δέ μή δύνασθαι ἐτι βαπτίζειν αὐτὰ
 τινὰ τοῦ αἵρετικοῦ , μήτε μὴν συν-
 10 ἅπτειν πρὸ γάμον αἵρετικῶς ἢ Ἰου-
 δαίῳ ἢ ἑλληνι, εἰ μή ἄρα ἐπαγ-
 γέλλοιτο μετατίθεσθαι εἰ τὴν ὀρ-
 θόδοξον πίστιν τὸ συναπτόμενον πρὸς-
 ὡπον τῷ ὀρθοδόξῳ. Εἰ δέ τι τοῦ-
 1 τον τὸν ὅρον παραβαίῃ τῇ ἁγίᾳ
 συνόδῳ, κανονικὸ ὑποκείσθω ἐπι-
 τιμίῳ.

IE

Περὶ διακονισσῶν¹

Διάκονον μή χειροτονεῖσθαι γυναῖκα
 20 πρὸ ἐτῶν τεσσαράκοντα καὶ ταύτην
 μετὰ ακριβοῦ δοκιμασία . Εἰ δέ γε
 δεξαμένη τὴν χειροτονίαν καὶ χρόνον
 τινὰ παραμείνασα τῇ λειτουργίᾳ ἑαυ-
 τὴν ἐπιδῶ γάμῳ, ὑβρίσασα τὴν τοῦ
 15 θεοῦ χάριν, ἢ τοιαύτη ἀναθεματι-
 ζέσθω μετὰ τοῦ αὐτῇ συναφθέντο .

IG

Περὶ τοῦ μή δεῖν τὰ ἑαυτὰ τῷ θεῷ
 ἀναθεῖσα παρθένου ἐπὶ γάμον
 ὁρμαν²

μ Παρθένον ἀναθεῖσαν ἑαυτὴν τῷ δε-
 σπότῃ θεῷ, ὡσαύτω δέ καὶ μονά-
 ζοντα, μή ἐξεῖναι γάμῳ προσομι-
 λεῖν εἰ δέ γε τοῦτο εὐρεθεῖεν ποιούν-
 τε , ἔστωσαν ἀκοινῶνητοι. Ὁρίσα-
 35 μεν δέ ἔχειν τὴν αὐθεντίαν τῇ ἐπ'
 αὐτοῦ φιλανθρωπία τὸν κατὰ τό-
 πον ἐπίσκοπον.

1 confitentibus autem *add. CCO*

1 Cf. conc. Nic., c. 19 (v. supra p. 15); Basilius Caes., c. 44 (CPG 136).

« **Œ** conc. Ancyr. (314), c. 19 (CSP 70); conc. Carth. (419), c. 16 (CSP 230); Basibus Caes., cc. 6,18-20, 60 (CPG 103,118-123,146).

ta synodus non licere cuiquam ex his
 sectae alterius uxorem accipere. Qui
 vero ex huiusmodi coniugio iam
 filios susceperunt, si quidem prae-
 venti sunt, ut ex se genitos apud
 haereticos baptizarent, offerre eos
 ecclesiae catholicae communioni
 conveniat, non baptizatos autem
 non posse ulterius apud haereticos
 baptizari. Sed neque copulari debet
 nuptura haeretico, iudaeo vel pa-
 gano, nisi forte promittat se ad or-
 thodoxam fidem orthodoxe copu-
 landa persona transferre, Si quis
 autem hanc definitionem sanctae
 synodi transgressus fuerit, correptioni canonicae subiacebit.

XV

De diaconissis

Diaconissam non ordinandam ante
 annum quadragesimum et hanc cum
 summo Ūbramine. Si vero suscipiens
 manus inpositionem et aliquantum
 temporis in ministerio permanens
 semetipsam tradat ad nuptias, gra-
 tiae Dei contumeliam faciens, ana-
 thematizetur huiusmodi cum eo,
 qui illi coniugitur.

XVI

*Dt virginibus et monachis*¹

Virginem quae se Deo domino con-
 secravit, similiter et monachum,
 non licere nuptialia iura contrahere,
 quod si hoc inventi fuerint perpe-
 trantes, excommunicentur. Confi-
 tentibus autem¹ decrevimus, ut ha-
 beat auctoritatem eiusdem loci epi-
 scopus misericordiam humanitatem-
 que largiri.

odox views. If those thus married have already had children, and if they have already had the children baptised among heretics, they are to bring them into the communion of the catholic church. If they have not been baptised, they may no longer have them baptised among heretics; nor indeed marry them to a heretic or a Jew or a Greek, unless of course the person who is to be married to the orthodox party promises to convert to the orthodox faith. If anyone transgresses this decree of the sacred synod, let him be subject to canonical penalty.

15

*On deaconesses*¹

No woman under forty years of age is to be ordained a deacon, and then only after close scrutiny. If after receiving ordination and spending some time in the ministry she despises God's grace and gets married, such a person is to be anathematised along with her spouse.

16

*Against allowing virgins who have dedicated themselves to God to embark upon marriage*¹

It is not permitted for a virgin who has dedicated herself to the Lord God, or similarly for a monk, to contract marriage. If it is discovered that they have done so, let them be made excommunicate. However, we have decreed that the local bishop should have discretion to deal humanely with them.

¹ See council of Nicaea, canon 19 (see above p. 15); Basil of Caesarea, canon 44 (CPG 136; trans. Percival 607).

² Sec council of Ancyra (314), canon 19 (CSP 70; trans. Percival 71); council of Carthage (419), canon 16 (CSP 230; trans. Percival 450); Basil of Caesarea, canons 6, 18-20, 60 (CPG 105, 118-123, 146; trans. Percival 604-606, 608).

IZ

Περὶ τοῦ διὰ οὐκ ἀνατρέπεται διοί-
κησι τριάκοντα ἔτη κρατήσασα, καὶ
περὶ τῶν καίνιζομένων πόλεων¹

Τὰ καθ' ἐκάστην ἐκκλησίαν ἀγροϊ-
κικὰ παροικία ἢ ἐγχωρίου μένειν
ἀπαρασαλεύτως παρὰ τοῖς κατέχου-
σιν αὐτὰ ἐπισκόποι, καὶ μάλιστα
εἰ τριακονταετή χρόνον ταῦτα ἀβιά-
στω διακατέχοντε ὠκονόμησαν. Εἰ
δὲ ἐντὸς τῶν τριάκοντα ἐτῶν γε-
γέννηται τι ἢ γένοιτο περὶ αὐτῶν
ἀμφισβήτησι, ἐξεῖναι τοῖς λέγου-
σιν ἡδίκησθαι περὶ τούτων κινεῖν
παρὰ τῇ συνόδῳ τῇ ἐπαρχία. Εἰ
δὲ τινε ἀδικοῖντο παρὰ τοῦ ἰδίου
μητροπολίτου, ἢ παρὰ τῷ ἐξάρχῳ
τῇ διοικήσει ἢ παρὰ τῷ Κων-
σταντινουπόλεω θρόνῳ δικαζέσθω-
σαν, καθὰ προεῖρηται. Εἰ δὲ τι καὶ
ἐκ βασιλικῆς ἐξουσίας ἐκαινίσθη πό-
λις ἢ καὶ αὐθι καίνισθει, τοῖς πο-
λιτικοῖς καὶ δημοσίοις τύποι καὶ
τῶν ἐκκλησιαστικῶν παροικίων ἢ
τάξι ἀκολουθεῖτω.

IH

Περὶ τοῦ μὴ δεῖν ἱερατικοῦ συνόμνυ-
σθαι ἢ φατριάζειν^{3*}

Τὸ τῇ συνομωσία ἢ φατρία ἐγ-
κλημα καὶ παρὰ τῶν ἐξω νόμων
πάντῃ κεκώλυται, πολλῶς δὲ μάλ-
λον ἐν τῇ τοῦ θεοῦ ἐκκλησίᾳ τοῦτο
γίνεσθαι ἀπαγορεύειν προσήκει. Εἰ
τινε τοίνυν κληρικοί ἢ μονάζοντε
εὐρεθεῖεν ἢ συνομνυνόμενοι ἢ φατρι-
άζοντε ἢ κατασκευὰς τυρεῦοντε
ἐπισκόποι ἢ συγκληρικοὶ ἐκπιπτέ-
τωςαν πάντῃ τοῦ οἰκείου βαθμοῦ.

XVn

De paroeciis rusticis²

Singularum ecclesiarum rusticas par-
oecias vel in possessionibus manere s
inconcussas illis episcopis, qui eas
retinere noscuntur, et maxime, si
per tricennium eas absque vi obti-
nentes sub dispensatione rexerunt:
quod si intra tricennium facta de his 10
vel fiat altercatio, licere eis, qui se
laesos asserunt, apud sanctam syn-
odum provinciae de his movere
certamen. Quod si quis a metropo-
litano laeditur, apud primum dioe- 1
cesos aut apud Constantinopolita-
nam sedem iudicetur, sicut superius
dictum est. Si qua vero civitas im-
periali potestate novata est, aut si
protinus innovetur civiles disposi- 20
tiones et publicas, etiam ecclesiasti-
carum paroeciarum ordines subse-
quantur.

XVm

De conspiratione vel coniuratione²

25

Coniurationis et conspirationis cri-
men et ab exteris legibus est omnino
prohibitum, multo magis hoc Dei
ecclesiam ne fiat, ammonere conve- 0
niet. Si qui ergo clerici vel monachi
reperi fuerint coniurantes aut con-
spirantes aut insidias ponentes epi-
scopis aut conclericis, a gradu pro-
prio arceantur. 3

¹ Cf. conc. Nic., c. 6 (v. supra p. 8-9); Can. ap. 74 (CSP 45-46); conc. Antioch. (341), cc. 14-15 (CSP 115-116); conc. Carth. (419), cc. 8, 12, 15, 19, 20, 28, 79, 87, 96, 104, 107, 117-120, 129-130 (CSP 221, 225, 228, 234-237, 243, 320, 332, 360, 369, 373, 386, 392, 403-404).

* Cf. Can. ap. 31 (CSP 22); conc. Gangi, (ca 340), c. 6 (CSP 91); conc. Antioch. (341), c. 5 (CSP 108-109); conc. Carth. (419), cc. 10, 53 (CSP 115, 273-277).

On not upsetting a diocese of thirty years standing, and on newly erected cities'

Rural or country parishes belonging to a church are to stay firmly tied to the bishops who have possession of them, and especially if they have continually and peacefully administered them over a thirty-year period. If, however, within the thirty years any dispute about them has arisen, or should arise, those who are claiming to be wronged are permitted to bring the case before the provincial synod. If there are any who are wronged by their own metropolitan, let their case be judged either by the exarch of the diocese or by the see of Constantinople, as has already been said. If any city has been newly erected, or is erected hereafter, by imperial decree, let the arrangement of ecclesiastical parishes conform to the civil and public regulations.

*Against the formation of conspiracies and secret societies by those in holy orders*¹²

The crime of conspiracy or secret association is entirely prohibited even by the laws of the land; so all the more properly is this forbidden in the church of God. So if any clerics or monks are found to be either forming a conspiracy or a secret society or hatching plots against bishops or fellow clergy, let them lose their personal rank completely.

¹ See council of Nicaea, canon 6 (see above pp. 8-9); Apostolic canons 74 (CSP 45-46; trans. Percival 599); council of Antioch (341), canons 14-15 (CSP 115-116; trans. Percival 115); council of Carthage (419), canons 8, 12, 15, 19, 20, 28, 79, 87, 96, 104, 107, 117-120, 129-130 (CSP 221, 225, 228, 234-237, 243, 320, 332, 360, 369, 373, 386, 392, 403-404; trans. Percival 446, 448-449, 451-452, 456, 481, 484, 491, 494-496, 499-501, 504-505).

² See Apostolic canons 31 (CSP 22; trans. Percival 595); council of Gangra (about 340), canon 6 (CSP 91; trans. Percival 94); council of Antioch (341), canon 5 (CSP 108-109; trans. Percival 110); council of Carthage (419), canons 10, 53 (CSP 223, 273-277; trans. Percival 447, 467).

ΙΘ

Περὶ τοῦ δεῖν δι τοῦ ἐτου ἐν
ἐκαστῇ ἐπαρχίᾳ συνόδου γίνεσθαι*

Τῆλθεν εἰ τὰ ἡμετέρα ἀκοᾶ, ὡ
ἐν ταῖ ἐπαρχίαι αἱ κεκανονισμέναι
s συνodoι τῶν ἐπισκόπων οὐ γίνονται
καὶ ἐκ τοῦτου πολλὰ παραμελεῖται
τῶν διορθώσεω δεδομένων ἐκκλη-
σιαστικῶν πραγμάτων. "Ωρισε τοί-
νυν ἡ ἀγία σύνοδος κατὰ τοῦ τῶν
io πατέρων κανόνα δι τοῦ ἐνιαυτοῦ
ἐπὶ τὸ αὐτὸ συντρέχειν τοῦ ἐπισκό-
που καθ' ἐκάστην ἐπαρχίαν, ἐνθα
ἀν ὁ τη μητροπόλεω ἐπίσκοπο
δοκιμάσῃ, καὶ διορθοῦν ἐκαστὰ τὰ
is ἀνακύπτοντα. Τοῦ δὲ μὴ συνιόντα
ἐπισκόπου, ἐνδημοῦντα ταῖ ἐαυ-
τῶν πόλεσι καὶ τούτα ἐν ὑγιείᾳ δι-
άγοντα καὶ πάσῃ ἀπαραιτήτου καὶ
ἀναγκαῖα ἀσχολία ὄντα ἐλχυθέ-
w ρου, ἀδελφικῶ ἐπιπλήττεσθαι.

Κ

Περὶ τοῦ μὴ δεῖν κληρικὸν ἀπὸ πόλεω
εἰ πόλιν μεταφέρεισθαι³

Κληρικὸν εἰ ἐκκλησίᾳ?/ τελ.οῦντα,
25 καθὼ ἤδη ὠρίσαμεν, μὴ ἐξεῖναι εἰ
ἄλλῃ πόλεω τάττεσθαι ἐκκλησίαν,
ἀλλ' ἀστέργειν ἐκείνην, ἐν ἡ λει-
τουργεῖν ἐξ ἀρχῇ ἡξιώθησαν, ἐκτὸ
ἐκείνων, οἵτινε ἀπολέσαντε τὰ
30 ἴδια πατρίδα ἀπὸ ἀνάγκῃ εἰ ἄλ-
λῃ ἐκκλησίᾳ μετήλθον. Εἰ δὲ τι
ἐπίσκοπο μετὰ τὸν ὅρον τοῦτον ἄλ-
λῳ ἐπισκόπῳ προσήκοντα δέξεται
κληρικόν, ἐδοξεν ἀκοινώνητον εἶναι
35 καὶ τὸν δεχθέντα καὶ τὸν δεχόμενον,
εἰ ἂν ὁ μεταστὰ κληρικὸς εἰ τὴν
ἰδίαν ἐπανέλθῃ ἐκκλησίαν.

XIX

L7 ittuxJo in anno condlia caclebrcentur¹

Pervenit ad aures nostras, quod in
provinciis statuta episcoporum con-
cilia minime celebrentur, et ex hoc
plurima neglegantur ecclesiastica-
rum causarum, quae correctionem
deposcunt. Decrevit itaque sancta
synodus, secundum canones pa-
trum bis in anno episcopos in idip-
sum, in unamquamque provinciam
convenire, ubicumque metropoli-
tanus antistes probaverit, et corri-
gere singula, si qua fortassis emer-
serunt. Quicumque vero non con-
venerint episcopi, resident autem in
suis civitatibus et hoc in sua incolu-
mitate consistunt, atque ab omni
excusabili et necessaria occupatione
probantur liberi, fraternae correp-
tioni subiaceant.

XX

Ut clerici ad civitatem non transeant¹

Clericos in ecclesia ministrantes,
sicut iam constituimus, in alterius
civitatis ecclesia statutos fieri non
licere, sed contentos esse in quibus
ab initio ministrare meruerunt, ex-
ceptis illis qui proprias amittentes
provincias ex necessitate ad aliam
ecclesiam transierunt. Si quis autem
episcopus post hanc definitionem
susceperit clericum ad alium episco-
pum pertinentem, placuit et suscep-
tum et suscipientem communione
privari, donec is qui migraverat cle-
ricus ad propriam fuerit regressus
ecclesiam.

¹ Cf. conc. Nia, c. 5 (v. supra p. 8); Can. ap. 37 (CSP 26); cona Antioch. (341), c. 20 (CSP 120); cona Carth. (419), cc. 18, 73, 76, 77, 95 (CSP 232, 314, 316-318, 358).

¹ Cf. cona Nia, cc. 15-16 (v. supra p. 13); Can. ap. 15 (CSP 15); conc. Antioch. (341), c. 3 (CSP 106-107); conc. Sard. (342/343), ca 15-16 (CSP 182-183); conc. Carth. (419), cc. 54, 90 (CSP 277-279, 334).

19

On holding synodi twice a year in each province'

We have heard that in the provinces the synods of bishops prescribed by canon law are not taking place, and that as a result many ecclesiastical matters that need putting right are being neglected. So the sacred synod decrees that in accordance with the canons of the fathers, the bishops in each province are to foregather twice a year at a place approved by the bishop of the metropolis and put any matters arising to rights. Bishops failing to attend who enjoy good health and are free from all unavoidable and necessary engagements, but stay at home in their own cities, are to be fraternally rebuked.

20

Against transferring a cleric from city to city¹

As we have already decreed, clerics who are serving a church are not permitted to join a church in another city, but are to be content with the one in which they were originally authorised to minister, apart from those who have been displaced from their own country and been forced to move to another church. If subsequent to this decision any bishop receives a cleric who belongs to another bishop, it is decreed that both the received and the receiver are to be excommunicate until such time as the cleric who has moved returns to his own church.

¹ See council of Nicaea, canon 5 (see above p. 8); Apostolic canons 37 (CSP 26; trans. Percival 596); council of Antioch (341), canon 20 (CSP 120; trans. Percival 118); council of Carthage (419), canons 18, 73, 76, 77, 95 (CSP 232, 314, 316-318, 358; trans. Percival 450, 478-480, 490).

² See council of Nicaea, canons 15-16 (see above p. 13); Apostolic canons 15 (CSP 15; trans. Percival 594); council of Antioch (341), canon 3 (CSP 106-107; trans. Percival 109); council of Sardica (342/343), canons 15-16 (CSP 182-183; trans. Percival 429-430); council of Carthage (419), canons 54, 90 (CSP 277-279, 334; trans. Percival 468, 485).

ΚΑ

Περὶ τοῦ μὴ δεῖν ἀνυπολήπτου
κληρικοῦ κατηγορεῖν ἐπισκόπων¹

Κληρικοῦ ἢ λαϊκοῦ κατηγοροῦντα
ἐπισκόπων ἢ κληρικῶν ἀπλῶ καὶ
ἀδοκιμάστω μὴ προσδέχεσθαι
κατηγορίαν, εἰ μὴ πρότερον ἐξετασθῇ
αὐτῶν ἡ ὑπόληψις.

ΚΒ

Περὶ τοῦ μὴ δεῖν κληρικοῦ μετὰ
θάνατον τοῦ ἰδίου ἐπισκόπου τὰ αὐτοῦ
διαρπάζειν²

Μὴ ἐξεῖναι κληρικοί³ μετὰ θάνατον
τοῦ ἰδίου ἐπισκόπου διαρπάζειν τὰ
διαφέροντα αὐτῷ πράγματα, καθὼς
καὶ τοῖς πάλαι κανόσιν ἀπηγόρευται,
ἢ τοῦ τοῦτο ποιοῦντα κινδυνεύειν
εἰς τοῦ ἰδίου βαθμοῦ.

ΚΓ

Περὶ τοῦ δεῖν ἀπὸ Κωνσταντινου-
πόλεως ἐκβάλλεσθαι ξένου κληρικοῦ
ἢ μοναχοῦ ρυβοῦντα³

Τῇ λθ' ἐν ταῖς ἀκοαῖς τῆς ἁγίας συν-
όδου, ὡς κληρικοὶ τινες καὶ μονά-
ζοντες, μὴδὲν ἐγκεχειρισμένοι ὑπὸ τοῦ
ἰδίου ἐπισκόπου, ἐστὶ δὲ ὅτε καὶ
ἀκοινῶνητοι γενόμενοι παρ' αὐτοῦ,
καταλαμβάνοντες τὴν βασιλεῦσαν
Κωνσταντινουπόλιν, ἐπὶ πολὺ ἐν αὐτῇ
διατρίβουσι, ταραχὰς ἐμποιοῦντες καὶ
θορυβοῦντες τὴν ἐκκλησιαστικὴν κα-
τάστασιν, ἀνατρέποντες τε οἶκους
τινῶν. Ὁρίσθη τοίνυν ἡ ἁγία σύνοδος
τοῦ τοιοῦτου ὑπομιμνησκεσθαι μὲν
πρότερον διὰ τοῦ ἐκδίκου τῇ ἐν Κων

XXI

De accusatoribus episcoporum¹.

Clericos aut laicos accusantes episco-
pum aut clericos passim et sine pro-
batione ad accusationem recipi non
debere, nisi prius eorum discutiatur
existimationis opinio.

XXII

*Ut post obitum episcopi res eius clerici
diripere non praesumant¹*

Non licere clericis post obitum sui
episcopi res ad eum pertinentes diri-
pere, sicut antiquis quoque canoni-
bus est praefixum. Quod si hoc
facere temptaverint, graduum suo-
rum periculo subiacent.

10

XXIII

*De excommunicatis clericis et monachis**

Venit ad aures sancti concilii, quod
quidam clerici et monachi, quibus
nihil ab episcopo suo commissum
est, est autem quando et commu-
nionem privantur ab eo, pervenientes
ad urbem regiam Constantinopoli-
tanam, in ea diutius commorentur,
excitantes turbas et statum eccle-
siasticum commoventes, subverten-
tes etiam quorundam domos. De-
crevit sancta synodus huiusmodi
primo quidem per defensorem Con-
stantinopolitanae sanctae ecclesiae

20

25

30

¹ Cf. conc. Constantin. I, c. 6 (v. supra pp. 33-34); Can. ap. 74 (CSP 45); conc. Carth. (419), cc. 8, 19, 128-130 (CSP 221, 234-236, 402-404).

¹ Cf. Can. ap. 40 (CSP 27); conc. Antioch. (341), c. 24 (CSP 123-124); conc. Carth. (419), cc. 22, 81 (CSP 238, 321-322).

^s Cf. conc. Nic., cc. 15-16 (v. supra p. 13); Can. ap. 15 (CSP 15); conc. Antioch. (341), c. 3 (CSP 106-107); conc. Sard. (342/343), cc. 15-16, 19 (CSP 182-183, 185-186); conc. Carth. (419), cc. 54, 90 (CSP 277-279, 334).

21

Against allegations brought by clerics against bishops, without investigation of the clerics' reputation'

Clerics or layfolk who bring allegations against bishops or clerics are not to be admitted to make their charges without more ado and before any examination, but their reputation must first be investigated.

22

Against clerics seizing their own bishop's possessions after his death[†]

It is not permitted for clerics, following the death of their own bishop, to seize the things that belong to him, as has been forbidden even by earlier canons. Those who do this risk losing their personal rank.

23

*On expelling foreign clerics or turbulent monks from Constantinople*⁵

It has come to the notice of the sacred synod that certain clerics and monks who have no employment from their own bishop and have sometimes even been excommunicated by him, are frequenting imperial Constantinople and spending long periods there causing disturbances, upsetting the ecclesiastical establishment and ruining people's homes. So the sacred synod decrees that such people

[†] See council of Constantinople 1, canon 6 (see above pp. 33-34); Apostolic canons 74 (CSP 45; trans. Percival 599); council of Carthage (419), canons 8, 19, 128-130 (CSP 221, 234-236, 402-404; trans. Percival 446, 451-452, 504-505).

See Apostolic canons 40 (CSP 27; trans. Percival 596); council of Antioch (341), canon 24 (CSP 123-124; trans. Percival 120); council of Carthage (419), canons 22, 81 (CSP 238, 321-322; trans. Percival 453, 481).

⁵ See council of Nicaea, canons 15–16 (see above p. 13); Apostolic canons 15 (CSP 15; trans. Percival 594); council of Antioch (341), canon 3 (CSP 106-107; trans. Percival 109); council of Sardica (342/343), canons 15-16, 19 (CSP 182-183, 185-186; trans. Percival 429-432); council of Carthage (419), canons 54, 90 (CSP 277-279, 334; trans. Percival 468, 485).

σταντινουπόλει άγιωτάτη έκκλησία
 επί τό έξελθεῖν τή βασιλευούση
 πόλεω · εἰ δέ τοῖ αὐτοῖ πράγμασιν
 ἐπιμένοινεν άναισχυντοῦντε , καί άχον-
 τα αὐτοῦ διά τοῦ αὐτοῦ έχδῖχου
 έχβάλλεσθαι χαῖ τοῦ ἰδίου χαταλαμ-
 βάνειν τόπου .

ΚΔ

Περί τοῦ δεῖν τά μοναστήρια μή
 καταγώγια γίνεσθαι¹

10 Τά άπαξ καθιερωθέντα μοναστήρια
 κατά γνώμην τοῦ ἐπισκόπου μένειν
 εἰ τό διηνεκέ μοναστήρια, καί τά
 άνήκοντα αὐτοῖ πράγματα φυλάτ-
 τεσθαι τώ μοναστηρίω καί μή δύνα-
 σθαι γίνεσθαι αὐτά κοσμικά καταγώ-
 για. Τοῦ δέ συγχωροῦντα τούτο
 γίνεσθαι ὑποκεῖ ἰ τοῖ έκ τών κα-
 νόνων ἐπιτιμίοι .

ΚΕ

Περί τοῦ μή δεῖν ὑπέρ τό τρίμηνον
 μ χηρεύειν εκκλησίαν επισκόπου²

Ἐπειδήπερ τινέ τών μητροπολιτών,
 ὡ περιηγήθημεν, άμελοῦσι τών
 έγχεχειρ'.σμένων ποιμνίων καί ανα-
 βάλλονται τά χειροτονία τών ἐπι-
 25 σκόπων, έδοξε τη αγία συνόδω έντό
 τριών μηνών γίνεσθαι τά χειροτο-
 νία τών επισκόπων, εἰ μήτοι γε απα-
 ραίτητο άνάγκη παρασκενάση ἐπι-
 ταθήναι τόν τή αναβολή χρόνον
 30 εἰ δέ μή τούτο ποιήσοι, ὑποκεῖσθαι
 αὐτόν εκκλησιαστικοῖ ἐπιτιμίοι .
 Τήν μεντοι πρόσοδον τή χηρευούση
 εκκλησία σώαν παρά τώ οἰκονόμω
 τή αὐτή εκκλησία φυλάττεσθαι.

commoneri, ut egrediantur ab urbe
 regia. Quod si iisdem negotiis inpu-
 denter insistant, etiam nolentes idem
 defensor expellat, ut ad propria loca
 perveniant.

XXIV

*De sacratis monasteriis, Ht habitacula
 saecularia nanfiant¹*

Quae semel dedicata sunt monaste-
 ria consilio episcoporum, maneat
 perpetuo monasteria et res, quae ad
 ea pertinent, monasteriis reservari,
 nec posse ea ultra fieri saecularia
 habitacula. Qui vero hoc fieri per-
 miserint, canonum sententiis sub-
 iacebunt.

XXV

De ordinationibus episcoporum¹

Quoniam quidam metropolitano-
 rum, quantum conperimus, negle-
 gunt commissos sibi greges et ordi-
 nationes episcoporum facere diffe-
 runt: placuit sanctae synodo, intra
 tres menses ordinationes episco-
 porum celebrari, nisi forte necessitas
 inexcusabilis praeparet tempus dila-
 tionis extendi: quod si hoc minime
 fecerit, correptioni ecclesiasticae
 subiacebit. Verum tamen redditus
 ecclesiae viduatae penes oecono-
 mum eiusdem ecclesiae reserventur.

¹ Cf. Cyrillus AI., c. 2 (CPG 282-283).

* Cf. Can. ap. 58 (CSP 38); conc. Carth. (419), cc. 71, 74, 78, 121, 123-124 (CSP 313, 315, 318, 392, 394-396); Petrus AI., c. 10 (CPG 46-48).

are first to be warned by the public attorney of the most holy Constantinopolitan church to get out of the imperial city; and if they shamelessly persist in the same kinds of behaviour, they are to be expelled by the same public attorney even against their will, and are to betake themselves to their own places.

24

Against turning monasteries into hostelries'

Monasteries once consecrated in accordance with the will of the bishop are to remain monasteries in perpetuity, and the effects which belong to them are reserved to the monastery, and they must not be turned into secular hostelries. Those who allow this to happen are to be subject to the canonical penalties.

25

*Against widowing a church by leaving it without a bishop for more than three months*¹²

According to our information, certain metropolitans are neglecting the flocks entrusted to them and are delaying the ordination of bishops, so the sacred synod has decided that the ordination of bishops should take place within three months, unless the period of delay has been caused to be extended by some unavoidable necessity. If a metropolitan fails to do this, he is to be subject to ecclesiastical penalties. The income of the widowed church is to be kept safe by the administrator of the said church.

¹ See Cyril of Alexandria, canon 2 (CPG 282-283; trans. Percival 615).

² See Apostolic canons 58 (CSP 38; trans. Percival 597-598); council of Carthage (419), canons 71, 74, 78, 121, 123-124 (CSP 313, 315, 318, 392, 394-396; trans. Percival 478-480, 501-502); Peter of Alexandria, canon 10 (CPG 46-48; trans. Percival 601).

KS

Περὶ τοῦ δεῖν ἕκαστον ἐπίσκοπον δι'
οικονόμου διοικεῖν τὰ τῇ ἐκκλησίᾳ
πράγματα¹

Ἐπειδὴ ἐν τισιν ἐκκλησίαις, ὡς περι-
ηγήθημεν, διχα οἰκονόμων οἱ ἐπί-
σκοποι τὰ ἐκκλησιαστικά χειρίζουσι
πράγματα, ἔδοξε πᾶσαν ἐκκλησίαν
ἐπίσκοπον ἔχουσιν καὶ οἰκονόμον
ἔχειν ἐκ τοῦ ἰδίου κλήρου, οἰκονομοῦν-
τα τὰ ἐκκλησιαστικά κατὰ γνώμην τοῦ
ἰδίου ἐπισκόπου, ὥστε μὴ ἀμάρτυρον
εἶναι τὴν οἰκονομίαν τῇ ἐκκλησίᾳ,
καὶ ἐκ τούτου σκορπίζεσθαι τὰ τῇ
ἐκκλησίᾳ πράγματα, καὶ λοιδορίαν
τῇ ἱερωσύνῃ προστρίβεσθαι. Εἰ δέ
μὴ τοῦτο ποιήσῃ ὑποκεῖσθαι αὐτὸν
τοῖς θείοις κανόσιν.

XXVI

*De oeconomis, id est dispensatoribus
ecclesiae constituendis*

Quoniam quibusdam ecclesiis, ut
rumore conperimus, praeter oecono- s
mos episcopi facultates ecclesi-
asticas tractant, placuit omnem ec-
clesiam habentem episcopum habere
et oeconomum de clero proprio,
qui dispenset res ecclesiasticas se- io
eundum sententiam episcopi pro-
prij, ita ut ecclesiae dispensatio prae-
ter testimonium non sit, et ex hoc
dispergantur ecclesiasticae faculta- 15
tes, et derogatio maledictionis sa-
cerdotio provocetur. Quod si hoc
minime fecerit, divinis constitutio-
nibus subiacebit.

XXVII

Περὶ τοῦ μὴ δεῖν βιάζεσθαι γυναῖκα
εἰ συνοικέσιον²

*De corruptoribus mulierum**

20

Τοῦ ἀρπάζοντα κόρα ἐπ' ὀνόματι
συνοικεσίου ἢ συμπράττοντα ἢ συν-
αιρομένου τοῖς ἀρπάζουσιν ἢ ἁγία
σύνοδο ὥρισεν, εἰ μὲν κληρικοί εἶεν,
ἐκπίπτειν τοῦ οικείου βαθμοῦ, εἰ δέ
μονάζοντε ἢ λαϊκοί, ἀναθεματίζεσθαι.

Eos, qui rapiunt mulieres sub no-
mine simul habitandi coopérantes
aut conhibentes raptoribus, decrevit
sancta synodus ut, si quidem cleri-
ci sunt, decidant gradu proprio, si
vero laici, anathematizentur.

KH

ψήφο περὶ τῶν πρεσβειῶν τοῦ θρό-
νου Κωνσταντινουπόλεω 33

xxvin

Votum de primatu sedit Constantinopolitanae'

Πανταχοῦ τοῖς τῶν ἁγίων πατέρων
ὅροι ἐπόμενοι, καὶ τὸν ἀρτίω ἀνα-

Ubique sanctorum patrum terminis
subiacentes et quem nunc legimus 30

α ψήφο τῇ αὐτῇ συνόδου, ἐκφωνηθεῖσα χάριν τῶν τρεσβείων τοῦ ἁγιωτάτου θρόνου τῇ
ἁγιωτάτῃ ἐκκλησίᾳ Κωνσταντινουπόλεω *r. I. CCO*

» Cf. On. ap. 38-39, 41 (CSP 26-29); conc. Ancyra. (314), c. 15 (CSP 66); conc. Antioch. (341), cc. 24-25 (CSP 123-126); conc. Gangra. (ca 340), c. 7 (CSP 92); cons. Carth. (419), c. 26 (CSP 242); Theophilus Al., c. 10 (CPG 270); Cyrillus Al., c. 2 (CPG 279 sq.).

» Cf. conc. Ancyra. (314), c. 11 (CSP 64-65); BasiliiCaes., cc. 22, 30, 38, 42, 53 (CPG 124sq; 130; 133 sq.; 135; 143).

* Cf. conc. Constantin. I, c. 3 (v. supra p. 32); Can. ap. 34 (CSP 24).

26

That each bishop must deal with church business through an administrator'

According to our information, in some churches the bishops handle church business without administrators; so it has been decided that every church which has a bishop is also to have an administrator, drawn from its own clergy, to administer ecclesiastical matters according to the mind of the bishop concerned, so that the church's administration may not go unaudited, and that consequently the church's property is not dispersed and the episcopate not exposed to serious criticism. If he does not comply with this, he is to be subject to the divine canons.

27

*Against forcing a woman into cohabitation*¹³

The sacred synod decrees that those who carry off girls under pretext of cohabitation, or who are accomplices or co-operate with those who carry them off, are to lose their personal rank if they are clerics, and are to be anathematised if they are monks or layfolk.

28

Resolution concerning the prerogatives of the see of Constantinople^{*2}

Following in every way the decrees of the holy fathers and recognising the canon which has recently been read out — the canon of the 150 most devout bishops

Resolution of the same synod formulated for the sake of the prerogatives of the most holy see of the most holy church of Constantinople *variant reading in CCO*

¹ See Apostolic canons 38-39, 41 (CSP 26–29; trans. Percival 596-597); council of Ancyra (314), canon 15 (CSP 66; trans. Percival 69); council of Antioch (341), canons 24-25 (CSP 123-126; trans. Percival 120-121); council of Gangra (about 340), canon 7 (CSP 92; trans. Percival 95); council of Carthage (419), canon 26 (CSP 242; trans. Percival 455); Theophilus of Alexandria, canon 10 (CPG 270; trans. Percival 614); Cyril of Alexandria, ch. 2 (CPG 279-280; trans. Percival 615).

² See council of Ancyra (314), canon 11 (CSP 64-65; trans. Percival 68); Basil of Caesarea, canons 22, 30, 38, 42, 53 (CPG 124 ff; 130; 133 ff; 135; 143; trans. Percival 606-608).

³ See council of Constantinople I, canon 3 (see above p. 32); Apostolic canons 34 (CSP 24; trans. Percival 596).

γνωσθέντα κανόνα τῶν ἑκατὸν πεντη-
 χοντα θεοφιλέστατων ἐπισκόπων, τῶν
 συναχθέντων ἐπὶ τοῦ τῆ εὐσεβοῦ
 μνήμη μεγάλου Θεοδοσίου, τοῦ γενο-
 μένου βασιλέω, ἐν τῇ βασιλίδι Κων-
 σταντινουπόλει νέα Ῥώμη®, γνωρι-
 ζοντε, τὰ αὐτὰ καὶ ἡμεῖς ὀρίζομεν τε
 καὶ ψηφίζομεθα περὶ τῶν πρεσβειῶν
 τῇ ἁγίωτχτῇ ἐκκλησίᾳ τῇ αὐτῇ
 Κωνσταντινουπόλεω νέα Ῥώμη.
 Καὶ γὰρ τῷ θρόνῳ τῇ πρεσβυτέρᾳ
 Ῥώμῃ διὰ τὸ βασιλεύειν τὴν πόλιν
 ἐκείνην οἱ πατέρες εἰκότῳ ἀποδεδώ-
 κασι τὰ πρεσβεία καὶ τῷ αὐτῷ σκο-
 15 πῶ κινούμενοι οἱ ἑκατὸν πεντήκοντα
 θεοφιλέστατοι ἐπίσκοποι, τὰ ἴσα πρε-
 σβεία ἀπένειμαν τῷ τῇ νέᾳ Ῥώμῃ
 ἁγιωτάτῳ θρόνῳ, εὐλόγῳ κρίναντε,
 τὴν βασιλεία καὶ συγκλήτῳ τιμηθεῖ-
 20 σαν πόλιν καὶ τῶν ἰσῶν ἀπολαύουσαν
 πρεσβειῶν τῇ πρεσβυτέρᾳ βασιλίδι
 Ῥώμῃ, καὶ ἐν τοῖ ἐκκλησιχστικοῖ
 ὡ ἐκείνην μεγαλύνεσθαι πράγμασι,
 δευτέραν μετ' ἐκείνην ὑπάρχουσαν
 καὶ ὥστε τοῦ τῇ ποντικῇ καὶ τῇ
 ασιανῇ καὶ τῇ θρακικῇ διοικήσεω
 μητροπολίτα μόνου, ἐτι δὲ καὶ τοῦ
 ἐν τοῖ βαρβαρικῇ ἐπισκόπου τῶν
 προειρημένων διοικήσεων, χειροτο-
 30 νεῖσθαι ὑπὸ τοῦ προειρημένου ἁγιω-
 τάτου θρόνου τῇ κατὰ Κωνσταντι-
 νούπολὴ ἁγιωτάτῃ ἐκκλησίᾳ ὅ
 λαδὴ ἑκάστου μητροπολίτου τῶν προ-
 ειρημένων διοικήσεων μετὰ τῶν τῇ
 τοῦ τῇ ἐπαρχία ἐπισκόπου, καθὼ
 τονεῖσθαι δὲ, καθὼ εἴρηται, τοῦ
 μητροπολίτα Ρ τῶν προειρημένων
 διοικήσεων παρὰ τοῦ Κωνσταντίνου^α ἰόλεω Τ ἀρχιεπισκόπου, ψηφισμάτων
 συμφώνων κατὰ τὸ ἔθος γινομένων καὶ ἐπ' αὐτὸν ἀναφερομένων.

canonem centum et quinquaginta re-
 verentissimorum episcoporum, qui
 congregati sunt in hanc regiam
 civitatem, cognoscentes, haec con-
 suimus de primatu sanctae ecclesiae
 Constantinopolitanae civitatis iuni-
 oris Romae; quia sedis magnae Ro-
 mae, pro eo quod regnaret, sancti
 patres statuerunt ei primatum, ita
 nunc et nos in hoc constitutum fir-
 mantes venerabiles centum et quin-
 quaginta [episcopi]·, primatum red-
 dimus iuniori Romae, rationabiliter
 iudicantes, ut qui regno et senatob
 honorificatur civitas obtineat et
 firmitatem primatus secundum
 magnam Romam, et in ecclesiasticis
 causis magnificam eam esse, sicut et
 Romam, et secundam post eam esse
 censemur; et ut Ponticam et Asiam
 et Thraciam gubernationem metro-
 politan! habeant: etiam qui in barba-
 ricis sunt episcopi a sede suprascrip-
 ta paroecias suprascriptas ordenen-
 tur. Et ut singulum metropolitanum
 memoratas' paroecias cum provin-
 ciarum episcopis ordinent episco-
 pum, sicut divini canones censue-
 runt: manus impositionem autem,
 sicut superius dictum est, a metropo-
 litanis episcopis fieri debere; elec-
 tionem autem facere secundum con-
 suetudinem ad eos referre oportet.

ἐπαρχία ἐπισκόπων χειροτονοῦντο
 τοῖ θεῖοι κανόσι διηγόρευτα^γ χειρο-
 τονεῖσθαι δὲ, καθὼ εἴρηται, τοῦ
 μητροπολίτα Ρ τῶν προειρημένων
 διοικήσεων παρὰ τοῦ Κωνσταντίνου^α ἰόλεω Τ ἀρχιεπισκόπου, ψηφισμάτων
 συμφώνων κατὰ τὸ ἔθος γινομένων καὶ ἐπ' αὐτὸν ἀναφερομένων.

α τῶν συναχθέντων . . . νέα Ῥώμη *om. v. I. CCO*
 10 β μετὰ τῶν . . . μητροπολίτα *om. v. I. CCO*
 γ ἐπισκόπου *v. I. CCO*

• *lege: renabiliū CL· epiicopcrum*
b lege: quoi----renatu
c lege: ringuli metropolitan! per memoratal
 45 *d lege: a Cvnttantinopolie archiepircopo metropolitanis*
c lege: ad earn

who assembled in the time of the great Theodosius of pious memory, then emperor, in imperial Constantinople, new Rome^J — we issue the same decree and resolution concerning the prerogatives of the most holy church of the same Constantinople, new Rome. The fathers rightly accorded prerogatives to the see of older Rome, since that is an imperial city ; and moved by the same purpose the 150 most devout bishops apportioned equal prerogatives to the most holy see of new Rome, reasonably judging that the city which is honoured by the imperial power and senate and enjoying privileges equalling older imperial Rome, should also be elevated to her level in ecclesiastical affairs and take second place after her. The metropolitans of the dioceses of Pontus, Asia and Thrace, but only these, as well as the bishops of these dioceses who work among non-Greeks, are to be ordained by the aforesaid most holy see of the most holy church in Constantinople. That is, each metropolitan of the aforesaid dioceses along with the bishops of the province ordain the bishops of the province, as has been declared in the divine canons; but the metropolitans[^] of the aforesaid dioceses, as has been said, are to be ordained by the archbishop of Constantinople, once agreement has been reached by vote in the usual way and has been reported to him.

“ who assembled ... new Rome *omitted in variant reading in CCO*
 β along with ... metropolitans *omitted in variant reading in CCO*

ΚΘ

Περὶ τοῦ μὴ δεῖν ἐπίσκοπον τοῦ ἰδίου
θρόνου ἀποκινούμενον ἐν πρεσβυτερίῳ
καταλέγεσθαι

Οἱ μεγαλοπρεπέστατοι καὶ ενδοξότα-
τοι ἄρχοντες εἶπον Περὶ τῶν ἐπισκό-
πων τῶν χειροτονηθέντων μὲν παρὰ
Φωτίου τοῦ εὐλαβεστάτου ἐπισκόπου,
ἀποκινήθέντων δὲ παρὰ Εὐσταθίου
τοῦ εὐλαβεστάτου ἐπισκόπου καὶ μετὰ
τὴν ἐπισκοπὴν πρεσβυτέρων εἶναι
κελευσθέντων, τι παρίσταται τῇ ἁγίᾳ
συνόδῳ;

Πασκασῖνο καὶ Λουκῆνσιο οἱ εὐ-
λαβέστατοι ἐπίσκοποι καὶ Βονιφάτιο
πρεσβύτερο, τοποτηρηταὶ τῇ ἀπο-
στολικῇ καθέδρᾳ Ῥώμῃ, εἶπον

Ἐπίσκοπον εἰ πρεσβυτέρου βαθμὸν
φέρειν ιεροσυλία ἐστίν. Εἰ δὲ αἰτία τι
δίκαια ἐκείνου ἀπὸ τῆ πράξεω τῇ
ἐπισκοπῇ ἀποκινεῖ, οὐδὲ πρεσβυτέ-
ρου τόπον κατέχειν ὀφείλουσιν. Εἰ
δὲ ἐκτὸ τίνο ἐγκλήματι ἀπεκινή-
θησαν τοῦ αξιώματος, πρὸ τὴν ἐπι-
σκοπικὴν ἀξίαν ἐπαναστρέψουσιν.

Ἀνατόλιο ὁ εὐλαβέστατος ἀρχιεπί-
σκοπος Κωνσταντινουπόλεως εἶπεν

Οὗτοι οἱ λεγόμενοι ἀπὸ τῆ ἐπισκο-
πικῆ ἀξιοῦ εἰ τὴν τοῦ πρεσβυτέρου
τάξιν κατεληλυθέναι, εἰ μὲν ἀπὸ
εὐλόγων τινῶν αἰτιῶν καταδικάζον-
ται, εἰκότως οὐδὲ τῇ πρεσβυτέρου
ἐντὸς ἀξιοὶ τυγχάνουσιν εἶναι τιμῇ·
εἰ δὲ δίχα τινὸς αἰτίας εὐλόγου εἰ-
τὸν ἡττονα κατεβιβάσθησαν βαθμὸν,
δίκαιοι τυγχάνουσιν, εἰ γὰρ ἀνεύθυνοι
φανεῖν, τὴν τῇ ἐπισκοπῇ ἐπανα-
λαβεῖν ἀξίαν τε καὶ ἱερωσύνην.

« τῇ αὐτῇ ἁγίᾳ συνόδῳ ἐκ τῆ πράξεω
σταθίου ἐπισκόπου Βηρύτου ». / . CCO
β Ἀνατόλιο ... ἱερωσύνην om. ». / . CCO

XXIX

*Quæsi tñi Dpus & It<ù Jrpantut in prtsbytrii
crdintm adnumtrari non dtbtat*

Magnificentissimi et gloriosissimi
iudices dixerunt: De episcopis or- s
dinatis a Photio reverendissimo
episcopo, amotis vero ab Eustathio
reverendissimo episcopo, et post
episcopatum presbyteris esse iussis,
quid videtur sanctae synodo? io

Paschasinus et Lucentius reveren-
dissimi episcopi et Bonifatius pres-
bytèr, vicarii apostolicae sedis Ro- is
mae, dixerunt:

Episcopum in gradum presbyteri
redigere sacrilegium est. Si vero et
causa quaedam iusta illos ab actu
episcopatus amovet, nec presbyteri 20
locum retinere debent. Si autem
citra aliquod crimen amoti sunt
dignitate, ad episcopalem dignita-
tem revertentur.

Anatolius reverendissimus archi- 25
episcopus Constantinopolis dixit:

Hi qui dicuntur ab episcopali di-
gnitate in presbyteri ordinem de-
scendisse, si quidem ex rationabili-
bus quibusdam causis damnantur, 30
iure nec in presbyteri quidem hono-
re esse merentur; sin absque aliqua
rationabili causa in inferiorem gra-
dum detracti sunt, iustum est eos,
si quidem non obnoxii cognoscan- 35
tur, episcopatus recipere dignitatem
et sacerdotium.

τῇ περὶ Φωτίου ἐπισκόπου Τύρου καὶ Εὐ-

Against the enrolment into the college of priests of a bishop removed from his own see^o

The most eminent and illustrious officials asked: What does the sacred synod advise in the case of the bishops ordained by the most reverend Bishop Photius and removed by the most reverend Bishop Eustathius and consigned to be priests after losing the episcopacy?

The most reverend Bishops Paschasinus and Lucentius and the priest Bonifatius, representatives of the apostolic see of Rome, replied: It is sacrilege to reduce a bishop to the rank of priest. But if whatever cause there is for removing those persons from the exercise of episcopacy is just, they ought not to occupy the position even of a priest. And if they have been removed from office and are without fault, they shall be restored to the episcopal dignity.

The most reverend archbishop of Constantinople, Anatolius, replied: If those who are said to have descended from the episcopal dignity to the rank of priest have been condemned on what are reasonable grounds, they are clearly not worthy to hold even the office of a priest. But if they have been demoted to the lower rank without reasonable cause, then as long as they are seen to be innocent, they have every right to resume the dignity and priesthood of the episcopacy[^].

^α Of the same holy synod with regard to the conduct of Photius, bishop of Tyre, and of Eustathius, bishop of Beirut, *variant reading in CCO*

^B The most reverend archbishop ... episcopacy *omitted in variant reading in CCO*

Α

XXX

Περὶ τοῦ διὰ ἀνεύθυνον οἱ Αἰγύπτιοι
μὴ ὑπογράψαντες τῇ ἐπιστολῇ τοῦ
ὁσίου Ἀέοντος Ῥώμη 31

*Quod Aegyptii uidentes sint, de ea quod litteris
sancti Leonis Romani episcopi non subscripserint*

Οἱ μεγαλοπρεπέστατοι καὶ ἐνδοξό-
i τατοι ἄρχοντες καὶ ἡ ὑπερφυῆ σύγ-
κλητο εἶπεν*

Magnificentissimi et gloriosissimi
iudices et amplissimus senatus dixe-
runt:

Ἐπειδὴ οἱ εὐλαβέστατοι ἐπίσκοποι
τῇ Αἰγυπτίων, οὐχ ὡς μαχόμενοι
τῇ καθολικῇ πίστει, ὑπογράψαι τῇ
io ἐπιστολῇ τοῦ ὁσιωτάτου ἀρχιεπισκό-
που Ἀέοντος ἐπὶ τοῦ παρόντος ἀνε-
βάλλοντο, ἀλλὰ φάσκοντες ἔθελον εἶναι
ἐν τῇ αἰγυπτιακῇ διοικήσει παρά
γνώμην καὶ διατύπωσιν τοῦ ἀρχιεπι-
15 σκόπου μηδὲν τοιοῦτον ποιεῖν* καὶ ἀξι-
οῦσιν ἐνδοθῆναι αὐτοῖς ἄχρι τῆ χειρο-
τονίας τοῦ ἐσομένου τῇ Ἀλεξανδρέων
μεγαλοπόλει ἐπισκόπου* εὐλογον
ἡμῖν ἐφάνη καὶ φιλάνθρωπον, ὥστε
20 αὐτοῖς μένουσιν ἐπὶ τοῦ ὁμοίου σχή-
ματος ἐν τῇ βασιλευούσῃ πόλει, ἐνδο-
σιν παρασχεθῆναι, ἄχρι ἂν χειρο-
τονηθῇ ἀρχιεπίσκοπος τῇ Ἀλεξαν-
δρέων μεγαλοπόλει.

Quoniam religiosissimi episcopi
Aegypti, non ut catholicae fidei ad-
versantes, sanctissimi archiepiscopi
Leonis epistolam subscribere distu-
lerunt, sed dicentes in Aegyptiaca
dioecesi hanc esse consuetudinem,
ut praeter voluntatem et mandatum
archiepiscopi nihil tale faciant, et
petunt concedi sibi dilationem us-
que ad ordinationem futuri magnae
civitatis Alexandrinorum archiepi-
scopi; iustum nobis et humanum
visum est ut ipsis in proprio habitu
in imperiali urbe manentibus remis-
sio concedatur, donec ordinatus
fuerit Alexandrinorum magnae civi-
tatis archiepiscopus.

25 Πασκασῖνο ὁ εὐλαβέστατος ἐπί-
σκοπος, τοποτηρητὴς τοῦ ἀποστολι-
κοῦ θρόνου, εἶπεν*

Paschasinus reverendissimus epi-
scopus, vicarius sedis apostolicae,
dixit:

Εἰ προστάττει ἡ ὑμετέρα ἐξουσία
καὶ κελεύετε τί ποτὲ αὐτοῖς παρασχε-
30 θῆναι φιλάνθρωπία ἐχόμενον, ἐγγύα
δότησαν, ὅτι οὐκ ἐξέρχονται τούτῃ
τῇ πόλει, ἐπὶ οὐ ἡ Ἀλεξανδρέων
ἐπίσκοπον δέξεται.

Si praeceperit gloria vestra et
iubetis illis aliquid praestari huma-
nitatis, fideiussores dent quod non
exeant de ista civitate, quamdiu civi-
tas Alexandrinorum episcopum ac-
cipiat.

Οἱ μεγαλοπρεπέστατοι καὶ ἐνδοξό-
35 τατοι ἄρχοντες καὶ ἡ ὑπερφυῆ σύγ-
κλητο εἶπον*

Magnificentissimi et gloriosissimi
iudices et amplissimus senatus dixe-
runt:

Ἦ τοῦ ὁσιωτάτου ἐπισκόπου Πα-
σκάσινου ψήφο βεβαία ἔστω* δθεν
μένοντες ἐπὶ τοῦ οικείου σχήματος οἱ
40 εὐλαβέστατοι ἐπίσκοποι τῶν Αἰγυπ-

Sanctissimi Paschasini sit firmum
iudicium; unde permanentes in pro-
prio habitu reverendissimi episcopi
Aegyptiorum, aut dent fideiussores,

α Τῇ αὐτῇ ἀγίῳ καὶ μεγάλῃ συνόδῳ ἐκ τῆ δ*, πράξεω, ἐνθα σκοπεῖται τὰ κεφάλαιον τὸ κατὰ τοῦ ἐπισκόπου τοῦ ἀπ* Αἰγύπτου γ. I. CCO
β ἐγγύα οὐκ δότησαν... δέξεται add. CCO

1 Cf. Can. ap. 20,34 (CSP 17, 24).

That the Egyptians who have not subscribed to the letter of holy Leo of Rome are not liable to censure"

The most eminent and illustrious officials and the exalted assembly declared:

Since the most reverend bishops of Egypt have up to now put off subscribing to the letter of the most holy Archbishop Leo, not because they are in opposition to the catholic faith, but because they claim that it is customary in the Egyptian diocese not to do such things in contravention of the will and ordinance of their archbishop, and because they consider they should be given until the ordination of the future bishop of the great city of Alexandria, we think it reasonable and humane that, retaining their present rank in the imperial city, they should be granted a moratorium until such time as an archbishop of the great city of Alexandria is ordained.

Most reverend Bishop Paschasinus, representative of the apostolic see, said: If your authority demands it, and you order that some measure of kindness be shown them, let them give guarantees that they will not leave this city before Alexandria receives its bishop¹.

The most eminent and illustrious officials and the exalted assembly replied: Let the resolution of the most holy Bishop Paschasinus be upheld. So let the most reverend bishops of the Egyptians maintain their present rank and, either

° Of the same holy and great synod, from the fourth session, where the matter of the Egyptian bishops is investigated *variant reading in CCO*

0 let them give ... bishop *added in CCO*

† See Apostolic canons 20, 34 (CSP 17, 24; trans. Percival 595-596).

τίων, ἡ ἐγγύς παρέξουσιν, εἰ τοῦτο si hoc illis est possibile, aut per
αὐτοῖ δυνατόν ἢ ἐωμοσί? κατα- sacramentum eis credatur, expec-
πίστευΟήσονται', ἀναμένοντε τήνχει- tantes ordinationem futuri episcopi
ροτονίαν τοῦ ἐσομένου ἐπισκόπου τη magnae civitatis Alexandrinorum.
'Αλεξανδρέων μεγαλοπόλεω .

s ὁβ«ῖ' μένοντα . . . χαταπιατευθήσονται *add. CCO*

providing guarantees if they can, or pledging themselves on solemn oath", let them await the ordination of the future bishop of the great city of Alexandria.

“ So let ... oath *added in CCO*

Constantinople II

553

INTRODUCTION

The emperor Justinian and Pope Vigilius decided to summon this council after the latter withdrew his “Judgment” condemning the “Three Chapters” of Theodore of Mopsuestia, Theodore and Ibas. This “Judgment” had been issued on 11 April 548 but the bishops of the west and especially of Africa unanimously opposed it. The council was summoned by Justinian to Constantinople, although Vigilius would have preferred to convene it in Sicily or Italy so that western bishops might be present. It assembled on 5 May 553 in the great hall attached to Hagia Sophia cathedral.

Since the Roman pontiff refused to take part in the council, because Justinian had summoned bishops in equal numbers from each of the five patriarchal sees, so that there would be many more eastern than western bishops present, Eutychius, patriarch of Constantinople, presided. The decrees of the council were signed by 160 bishops, of whom 8 were Africans.

On 14 May 553 Pope Vigilius issued his “Constitution”, which was signed by 16 bishops (9 from Italy, 2 from Africa, 2 from Illyricum and 3 from Asia Minor). This rejected sixty propositions of Theodore of Mopsuestia, but spared his personal memory² and refused to condemn either Theodore or Ibas since, on the testimony of the council of Chalcedon, all suspicion of heresy against them had been removed. Nevertheless, the council in its 8th session on 2 June 553 again condemned the “Three Chapters”, for the same reasons as Justinian had done so, in a judgment which concludes with 14 anathemas³.

After carefully considering the matter for six months, Vigilius, weighing up the persecutions of Justinian against his clergy and having sent a letter to Eutychius of Constantinople⁴, approved the council, thus changing his mind “after the example of Augustine”. Furthermore he anathematized Theodore and condemned his writings and those of Theodore and Ibas. On 23 February 554, in a second “Constitution”, he tried to reconcile the recent condemnation with what had been decreed at the council of Chalcedon⁵.

The council did not debate ecclesiastical discipline nor did it issue disciplinary canons. Our edition does not include the text of the anathemas against Origen

¹ See L. Duchesne, *L'Église au VI^e siècle*, Paris 1925, 210.

² See synod of Constantinople in 394: “It seems unjust to harm a dead person”, H-L 2, 99 note.

³ The text given below has been taken from Mansi 9, 368-388. As regards the acts of the council, there are a few fragments in Greek but otherwise only the Latin text survives (the first critical edition was made by S. Balutius, *Nova collectio conciliorum*, Paris 1683, 1475-1581).

⁴ Msi 9, 413-432. ⁵ Msi 9, 457-488.

since recent studies have shown that these anathemas cannot be attributed to this council⁶.

For the 14 anathemas (pp. 114-122) the translation is from the Greek text, since this is the more authoritative version.

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TEXT AND TRANSLATION

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[Sententia adversus „tria Capitula”¹]

Magno Deo et salvatore nostro Iesu Christo, secundum parabolam in evangeliiis dictam, pro uniuscuiusque viribus talenta distribuyente, et operam eorum opportuno tempore exigente, si is qui creditum sibi unum talentum sine diminutione servavit, eo quod non operatus est, et amplificavit hoc quod sibi creditum est, condemnatur², quanto maiori et horribili iudicio subiaceat, qui non solum de ipso neglexerit, sed etiam aliis scandali et perturbationis causam praeberit? cum sit omnibus fidelibus manifestum, quod quando de fide ratio moveatur, non solum impius condemnatur, sed etiam ille qui potest quidem prohibere impietatem, io negligit vero aliorum correptionem. Et nos igitur, quibus regere ecclesiam Domini creditum est³, timentes maledictionem, quae imminet his qui negligenter opera Domini faciunt⁴, festinamus bonum fidei semen purum conservare ab impietatis zizaniis, quae ab inimico inseminantur⁵. Quoniam igitur videbamus quod Nestorii sequaces conati sunt per Theodorum is impium, qui Mopsuestiae fuit episcopus, et impia eius conscripta, et insuper per ea quae impie Theodoritus conscripsit, et per epistolam sceleratam, quae ab Iba dicitur ad Marim Persam scripta esse, suam impietatem Dei ecclesiae applicare, ideo ad eorum quae movebantur correctionem surreximus, et pro Dei voluntate, et iussione piissimi im- 20 peratoris vocati ad hanc regiam urbem convenimus.

Et quia contingit Vigilium religiosissimum, in hac regia urbe degentem, omnibus interesse quae his tribus capitulis annotata sunt, et tam sine scriptis, quam in scripturis ea saepius condemnasse, postea tamen et consensit in scriptis in concilio convenire, et disceptare una nobiscum 25 de his tribus capitulis, ut definitio communiter ab omnibus nobis praebeatur fidei rectae conveniens; piissimus imperator secundum quod inter nos placuit, tam ipsum quam nos hortatus est communiter convenire, eo quod sacerdotes decet communibus quaestionibus finem communem imponere. Unde necessario petivimus ipsius reverentiam scriptas suas 30 promissiones adimplere; nec enim iustum esse amplius scandalum pro tribus istis capitulis crescere, et Dei ecclesiam conturbari. Et pro his ad memoriam eius perduximus magna illa apostolorum exempla, et patrum

¹ Huius sententiae principium tantum graece exaratum nobis extat (Nisi 9, 368), quod sequitur:

Τοῦ μεγάλου θεοῦ καὶ σωτῆρος ἡμῶν Ἰησοῦ Χριστοῦ, κατὰ τὴν ἐν τοῖ εὐαγγελίοι παραβολὴν, πρὸ τὴν ἑκάστου δύναμιν τὰ τάλαντα διανείμαντο καὶ τὴν ἐργασίαν τούτην ἐν καιρῷ τῷ δέοντι ἀπαιτοῦντο, εἰ ὁ πιστευθεὶς τὸ ἐν τάλαντον καὶ φυλάζα ἀμείωντον, ἐφ' ᾧ οὐκ εἰργάσατο, καὶ ἐπλεόνασε τὸ πιστευθὲν καταδικάζεται, πόσιρ μείζονι καὶ φοβερῷ κρίματι ὑπόκειται ὁ μὴ τῶν καθ' ἑαυτὸν ἀμελήσα, ἀλλὰ καὶ ἑτέροι σκανδάλου καὶ ταραχῇ γενόμενο αἴτιο, προδήλου πάσι τοῖ εὐαεβέσι καθεστῶτο, ᾧ ἡνίκα περὶ πίστει ὁ λόγος κινεῖται, οὐ μόνον ᾧ ἀσεβὴ κατακρίνεται, ἀλλὰ καὶ ᾧ δυνάμενο μὲν κωλύσαι τὴν ἀσέβειαν, ἀμελήσα δὲ περὶ τὴν τῶν ἐτέρων διόρθωσιν. Καὶ ἡμεῖς τοίνυν ποιμαίνειν πιστευθέντε τὴν ἐκκλησίαν τοῦ Κυρίου, εὐλαβοῦμενοι τὴν κατάραν τὴν ἀπειλουμένην τοῖ ἀμελῶ τὰ ἔργα Κυρίου ποιούσι, σπουδῇ ποιούμεθα τὸ καλὸν τῇ πίστει σπέρμα διαφυλάξαι καθαρὸν ἀπὸ τῶν τοῦ ἐχθροῦ ἐπισπειρομένων τῇ ἀσεβείᾳ ζιζανίων.

² Cf. Mt 25,14-30. ³ Cf. Ac 20,28. ⁴ Cf. Ir 48,10. ⁵ Cf. Mt 13, 36-43.

[Sentence against the “Three Chapters”]¹

Our great God and saviour Jesus Christ, as we are told in the parable in the gospel, gives talents to each one according to his ability, and at the proper time asks for an account of what has been done by each one. If the person to whom only one talent has been given is condemned because he has not worked and increased it, but has only preserved it without diminishmenr, how much more serious and more frightening must be the condemnation to which the person is subjected who not only fails to look after himself but scandalizes others and is a cause of offence to them ? It is clear to all believers that when a problem about the faith comes up it is not only the heretical person who is condemned but also the person who is in a position to correct the heresy of others and fails to do so. To those of us to whom the task has been given of governing the church of the Lord³, there comes a fear of the condemnation which threatens those who neglect to do the Lord’s work⁴. We hurry to take care of the good seed of faith, protecting it from the weeds of heresy which have been planted by the enemy⁵. We observed that the pupils of Nestorius were trying to bring their heresy into the church of God by means of the heretical Theodore, bishop of Mopsuestia, and his books as also by the writings of the heretical Theodoret and the disgraceful letter which is alleged to have been sent by Ibas to Mari the Persian. Our observations prompted us to correct what was happening. We assembled in this imperial city, summoned here by the will of God and the command of the most religious emperor.

The most religious Vigilius happened to be present in this imperial city and took part in all the criticisms against the three chapters. He had frequently condemned them by word of mouth and in his writings. Later he gave a written agreement to take part in our council and to study with us the three chapters so that we could all issue an appropriate definition of the true faith. The most pious emperor, prompted by what was acceptable to us, encouraged a meeting between Vigilius and ourselves because it is proper that the priesthood should impose a common conclusion to matters of common concern. Consequently we asked his reverence to carry out his written undertakings. It did not seem right that the scandal over these three chapters should continue and that the church of God should be further disturbed. In order to persuade him, we reminded him of the great example left us by the apostles and of the traditions of the fathers. Even

¹ Only the beginning of this “Sentence” survives in Greek (Msi 9, 368). The translation is the same as for the Latin: “Our great God ... planted by the enemy” (line 14).

² See Mt 25, 14-30. ³ See Ac 20, 28. ⁴ See Jer 48, 10. ⁵ See Mt 13, 36-43.

traditiones. Licet enim sancti Spiritus gratia et circa singulos apostolos abundaret, ut non indigerent alieno consilio ad ea quae agenda erant; non tamen aliter voluerunt de eo quod movebatur, si oporteret gentes circumcidi, definire, priusquam communiter congregati divinarum scripturarum s testimoniis unusquisque sua dicta confirmaverunt.

Unde communiter de eo sententiam protulerunt, ad gentes scribentes: *I 'istim esi Spiritui sancto et nobis, nihil aliul imponere robis oneris, praeterquam necessaria, ut abstineatis ab immolatis simulacrorum, et sanguine, et suffocato, et fornicatione*¹.

io Sed et sancti patres, qui per tempora in sanctis quatuor conciliis convenerunt, antiquis exemplis utentes, communiter de exortis haeresibus et quaestionibus disposuerunt, certo constituto, quod in communibus disputationibus cum proponuntur quae ex utraque parte discutienda sunt, veritatis lumen tenebras expellit mendacii.

is Nec enim potest in communibus de fide disceptationibus aliter veritas manifestari, cum unusquisque proximi adiutorio indiget, sicut in proverbiiis dicit Salomon: *Frater fratri adiutorium praestans: exaltabitur sicut civitas munita: valet vero sicut regnum fundatum*². Et iterum in Ecclesiaste dicit: *Optimi duo quam unus, quibus est merces bona in labore ipsorum*³. Sed
so etiam ipse Dominus dicit: *Arnen dico vobis, si duo ex vobis convenerint super terram, de omni re quamcumque petierint, continget illis a Patre meo qui in coelis est. Ubicumque enim fuerint duo aut tres collecti in nomine meo, ego cum eis sum in medio ipsorum*¹. Cum autem saepius et a nobis omnibus invitatus, et insuper gloriosissimis iudicibus missis ad ipsum a piissimo imperatore,
25 promisit per seipsum de iisdem tribus capitulis sententiam proferre: huiusmodi responso audito, Apostoli nos admonitiones in corde habentes, quod *unusquisque pro se rationem reddet Deo*, timentes autem et iudicium imminens eis qui vel unum ex minimis scandalizant⁶, quanto magis imperatorem ita christianissimum, et populos et ecclesias totas; et quod
30 dictum a Deo ad Paulum: *Ne timeas, sed loquere, et ne taceas, quoniam ego sum tecum, et nemo poterit nocere tibi*²: congregati ante omnia compendiose confessi sumus fidem illam tenere, quam dominus noster Iesus Christus verus Deus tradidit sanctis suis apostolis, et per eos sanctis ecclesiis, et qui post illos fuerunt sancti patres et doctores ecclesiae creditis sibi
35 populis tradiderunt. Tenere autem et servare et praedicare sanctis ecclesiis confessi sumus hanc fidei confessionem, quam latius exposuerunt trecenti decem et octo sancti patres Nicaeae congregati, qui sanctum mathema sive symbolum tradiderunt: insuper autem et centum quinquaginta in Constantinopoli collecti exposuerunt, qui eandem fidei confessionem
40 secuti sunt, et eam explanaverunt: et ducentorum sanctorum patrum prius Ephesi collectorum pro eadem fidem consensum: et quae a sexcentis triginta Chalcedone congregatis definita sunt pro una eademque fide quam et ipsi secuti praedicaverunt. Eos autem qui pro tempore condemnati vel anathematizati a catholica ecclesia et praedictis quatuor conciliis sunt,

¹ Ac 15,28-29. ' Pro 18,19. ² Ec-1,9. « Mt 18,19-20.

* Rm 14,12. · Cf. Mt 18,6. ' Ac 18,9-10.

though the grace of the holy Spirit was abundant in each of the apostles, so that none of them required the advice of another in order to do his work, nevertheless they were loathe to come to a decision on the issue of the circumcision of gentiles until they had met together to test their various opinions against the witness of the holy scriptures.

In this way they unanimously reached the conclusion which they wrote to the gentiles: *It has seemed good to the holy Spirit and to us to lay upon you no greater burden than these necessary things; that you abstain from what has been sacrificed to idols and from blood and from what is strangled and from unchastity*^x.

The holy fathers, who have gathered at intervals in the four holy councils, have followed the examples of antiquity. They dealt with heresies and current problems by debate in common, since it was established as certain that when the disputed question is set out by each side in communal discussions, the light of truth drives out the shadows of lying.

The truth cannot be made clear in any other way when there are debates about questions of faith, since everyone requires the assistance of his neighbour. As Solomon says in his proverbs: *A brother who helps a brother shall be exalted like a strong city; he shall be as strong as a well-established kingdom*². Again in Ecclesiastes he says: *Two are better than one, for they have a good reward for their toil*³. And the Lord himself says: *Amen I say to you, if two of you agree on earth about anything they ask, it will be done for them by my Father in heaven. For where two or three are gathered in my name, there am I in the midst of them*⁴⁵. Vigilius was frequently invited by us all, and most distinguished judges were sent to him by the most pious emperor. Eventually he promised to give judgment personally on the three chapters. When we heard this promise, we remembered the warning of the Apostle that *each of us shall give an account of himself to God*⁶. We were afraid of the condemnation which threatens those who scandalize one of the least important⁶, and of the much more serious one which threatens those who scandalize so very Christian an emperor, the people and all the churches. We also remembered what was said by God to Paul: *Do not be afraid, but speak, and do not be silent; for I am with you, and nobody shall be able to harm you*⁷. When we met together, therefore, we first of all briefly made a confession of the faith which our lord Jesus Christ, true God, handed down to his holy apostles and by means of them to the holy churches, the same faith which those who afterwards were holy fathers and doctors handed down to the people entrusted to them. We confessed that we believe, protect and preach to the holy churches that confession of faith which was set out at greater length by the 318 holy fathers who met in council at Nicaea and handed down the holy doctrine or creed. The 150 who met in council at Constantinople also set out the same faith and made a confession of it and explained it. The 200 holy fathers who met in the first council of Ephesus agreed to the same faith. We follow also the definitions of the 630 who met in council at Chalcedon, regarding the same faith which they both followed and preached. We confessed that we held to be condemned and anathematized all those who had been previously condemned

¹ Ac 15, 28-29. ² Pro 18, 19. ³ Ec 4, 9. ⁴ Mt 18, 19-20.

⁵ Rm 14, 12. ⁶ See Mt 18, 6. ⁷ Ac 18, 9-10.

confessi sumus condemnatos et anathematizatos habere. Cumque haec ita confessi sumus, initium fecimus examinationis trium capitulorum, et proposuimus prius de Theodoro Mopsucsteno: et cum in medio prolatae sunt blasphemiae codicibus insertae, mirati sumus Dei in his patientiam, quod non divino igni statim incensa est lingua et mens quae haec eructavit: et nunquam concessimus procedere lectorem praedictarum blasphemiarum, pro sola memoria illarum indignationem Dei timentes, (utpote unaquaque blasphemia magnitudine impietatis antecedentem superante, et mentem auditoribus funditus permovente) nisi eos qui talibus blasphemiiis gloriantur videremus indigere confusione, per manifestationem earum eis inferenda: ut nos omnes zelo blasphemiarum contra Deum expositarum incensi et in medio lectionis et post ipsam inclamationes et anathematismos contra Theodorum ut viventem et praesentem faceremus. Propitius sis, Domine, dicentes, nec daemones ausi sunt talia contra te loqui.

O intolerabilem linguam illam! o pravitatem viri! o altam illam manum, quam extendit contra creatorem suum. Scripturas scire miser ille pollicitus, non meminit Oseae prophetae dicentis: *Vae illis, quoniam exilierunt a me: famosi facti sunt, quia impii fuerunt in me, iniqua locuti sunt adversum me, ei adversum me excogitantes, locuti sunt pessima. Ideo cadent in framea propter improbitatem linguae suae. Hic contemptus eorum in sinu eorum: quia transierunt testamentum meum, et adversus legem meam impie egerunt*¹. Istis Theodorus impius merito subiicitur. Prophetias enim, quae de Christo sunt, reiiciens, festinavit dispensationis pro nostra salute magnum mysterium, quantum ad se pertinet, reprobare: fabulas tantummodo ad risum propositas gentibus divina eloquia, multis modis conatus ostendere, et contempsit tam alias propheticas pronuntiationes contra impios factas, et quod dixit divinus Habacuc de his qui mendaciter docent: *Vae qui adaequat proximum sibi eversione turbata, et inebriant eum, ut inspiciat speluncas eorum*²: id est, tenebrosas et omnino a luce alienas doctrinas eorum.

Et quid oportet multa dicere? Liceat volentibus codices impii Theodori prae manibus accipere, vel quae ex impiis codicibus eius, gestis apud nos habitis inserta sunt, impia capitula, et invenire nimiam insaniam, et nefanda illa quae dixit. Ulterius enim procedere, et iterum memoria repetere nefanda illa veremur. Recitata nobis sunt et quaedam a sanctis patribus contra illum, et omnes haereticos superantem eius insaniam conscripta, et insuper historiae, et leges imperiales, illius impietatem ab initio divulgantes et quoniam post haec omnia impietatis illius defensores, iniuriis contra creatorem suum dictis gloriantes, dicebant non oportere eum post mortem anathematizare, licet cognosceremus ecclesiasticam de impiis traditionem, quod et post mortem haeretici anathematizantur; tamen necessarium putavimus et de hoc perscrutari, et fertur in gestis, quomodo diversi haeretici et post mortem anathematizati sunt: et per multa manifestatum est apud nos, quod qui haec dicunt, nullam curam Dei iudicatorum faciunt, nec apostolicarum pronuntiationum, nec patrum traditionum. Libenter utique interrogemus eos, quid dicant de

¹ Os 7,13-16; 8,1. ² Hab 2,15.

and anathematized by the catholic church and by the aforesaid four councils. When we had made this confession in this way, we made a start on the examination of the three chapters. First, we considered Theodore of Mopsuestia. When all the blasphemies in his works were exposed, we were astonished at God's patience, that the tongue and mind which had formed such blasphemies were not straightaway burned up by divine fire. We would not even have allowed the official reader of these blasphemies to continue, such was our fear of the anger of God at even a rehearsal of them (since each blasphemy was worse than the one before in the extent of its heresy and shook to their foundation the minds of their listeners), if it had not been the case that those who revelled in these blasphemies seemed to us to require the humiliation which their exposure would bring upon them. All of us, angered by the blasphemies against God, burst into attacks and anathemas against Theodore, during and after the reading, as if he had been living and present there. We said: Lord, be favourable to us; not even the demons themselves have dared to speak such things against you.

O his intolerable tongue! O the wickedness of the man! O the proud hand he raised against his creator! This disgraceful man, who had made a promise to understand the scriptures, did not remember the words of the prophet Hosea: *Woe to them, for they have strayed from me! They have become notorious because of their impiety towards me. They spoke evil things about me, and after they had considered them, they spoke even worse things against me. They will fall into a trap because of the depravity of their tongues. Their contempt will be turned inwards on themselves, because they have broken my covenant and acted impiously against my law*¹. The impious Theodore deserves to come under these curses. He dismissed the prophecies about Christ and he vilified, as far as he could, the great mystery of the arrangements that have been made for our salvation. In many ways he tried to demonstrate that the divine word was nothing but fables composed for the amusement of the gentiles. He ridiculed the other condemnations of the impious made by the prophets, especially the one in which holy Habakkuk says of those who teach false doctrines: *Woe to him who makes his neighbours drink of the cup of his wrath, and makes them drunk, to gaze on their caverns*². This refers to their teachings which are full of darkness and quite separate from the light.

Why ought we to add anything more? Anyone who wishes can consult the volumes of the heretical Theodore or the heretical chapters from his heretical books which have been included in our acts. Anyone can see his unbelievable folly and the disgraceful utterances made by him. We fear to continue and to rehearse again those shameful things. The writings of the holy fathers against him were also read out to us. We heard what had been written against his folly, which was more than all the other heretics, and the historical records and imperial laws which set out his heresy from its beginning. Despite all this, those who defended his heresy, delighting in the insults offered by him to his creator, declared that it was improper to anathematize him after his death. Although we were aware of the ecclesiastical tradition concerning heretics, that they are anathematized even after death, we deemed it necessary to go into this matter as well and it can be found in the acts how several heretics were anathematized after they were dead. In many ways it has become clear to us that those who put forward this argument have no concern for God's judgments, nor for the pronouncements of the apostles, nor for the traditions of the fathers. We would

¹ Hos 7, 13-16; 8, 1. ² Hab 2, 15.

Domino, dicente de seipso: *Qui crediderit in eum, non iudicatur: qui autem non crediderit in eum, iam iudicatus est, quia non crediderit in nomine unigeniti Filii Dei*¹. Et Apostolo clamante: *Licet nos aut angelus de caelo evangeligaverit, praeterquam quod accepistis, anathema sit. Sicut praediximus, et nunc iterum dico:*
5 *Si quis vobis evangeligaverit, praeterquam quod accepistis, anathema sit*². Domino enim, quod iam iudicatus est, dicente, et Apostolo etiam angelos, si docerent praeter quod evangelizati sumus, anathematizante, quomodo praesumunt dicere, qui omnia audent, de vivis tantummodo haec dicta esse? Aut ignorant, magis autem scientes ignorare confingunt, quod
10 iudicium anathematis nihil aliud est nisi separatio a Deo? Quod impius licet non verbo ab aliquo suscepisset, tamen anathema re ipsa sibi infert, per suam impietatem semetipsum a vera vita separans. Quid autem dicunt et ad Apostolum iterum dicentem: *Haereticum hominem post unam et secundam correctionem evita; sciens quoniam perversus est huiusmodi homo, et peccat,*
15 *et est a semetipso damnatus*³? Quibus consonantia sanctae memoriae Cyrillus in libris quos contra Theodorum scripsit ita dicit: „Evitandi sunt illi, qui tam pessimis culpis detinentur, sive in vivis sunt, sive non. A nocente enim semper refugere necessarium est, et non ad personam magis respicere, sed ad hoc quod Deo placet/*⁴ Et iterum idem sanctae memoriae
» Cyrillus, scribens ad Ioannem episcopum Antiochiae, et congregatam ibi synodum, de Theodoro utpote una cum Nestorio anathematizato, ita dicit: „Erat igitur necessarium, claram propterea ducere festivitatem, expulsa certe omni voce a quocumque dicta, quae consonat Nestorii blasphemiiis. Processit enim adversus omnes qui eadem sapiunt, vel
20 sapuerunt aliquando, quod absolute nos et vestra sanctitas dixit: „Anathematizamus illos qui dicunt filios duos, et duos Christos. Unus enim, ut dictum est, praedicatur a nobis et vobis Christus et Filius et Dominus, unigenitus ut homo, secundum vocem sapientissimi Pauli⁵*⁶. Sed etiam in epistola ad Alexandrum et Martinianum, et Ioannem, et Paregorium,
30 et Maximum presbyteros et patres monachorum, et eos qui cum ipsis erant solitariam vitam exercentes, ita dicit: „Iam quidem et sancta synodus Ephesi secundum Dei voluntatem congregata, contra nestorianam perfidiam iusta et subtili prolata sententia, et aliorum vaniloquia, qui vel postea futuri sunt, vel iam fuerunt, eadem illi sapientes, et dicere vel
35 scribere tale aliquid praesumentes, una cum ipso condemnavit, aequalem condemnationem eis imponens. Consequens enim erat, uno semel pro suis tam profanis vaniloquiis condemnato, non contra unum tantum venire, sed (ut ita dicam) contra omnem eorum haeresim, sive calumniam quam fecerunt contra pia ecclesiae dogmata, duos colentes filios, et dividentes individuum, et* anthropolatriae crimen inferentes caelo et terrae.
40 Adorat enim nobiscum supernorum spirituum sancta multitudo unum dominum Iesum Christum.*⁷ Sed etiam Augustini religiosae memoriae, qui inter Africanos episcopos splenduit, diversae epistolae recitatae sunt⁸, significantes quod oportet haereticos et post mortem anathematizari.

¹ Io 3,18. ⁴ Gall, 8. ⁵ Tt 3,10-11. « PG 76, 1442. » Cf. 1 Cor 8, 6; 1 Tm 2, 5.
» PG 77, 334. » PG *II*, 294-295. ⁶ In collatione V, cf. Msi 9,260-261.

willingly question them concerning what they would say about the Lord, who said of himself: *He who believes in him is not condemned; he who does not believe in him is condemned already, because he has not believed in the name of the only-begotten Son of God*}. And about that claim of the Apostle: *Even if we, or an angel from heaven, should preach to you a gospel contrary to what you have received, let him be accursed. As we said earlier, I repeat once more: If anyone preaches to you a gosepl contrary to what you have received, let him be accursed*l. Since the Lord declares that the person is judged already, and the Apostle curses even the angels if they instruct in anything different from what we have preached, how is it possible even for the most presumptuous to assert that these condemnations apply only to those who are still alive? Are they unaware, or rather pretending to be unaware, that to be judged anathematized is just the same as to be separated from God? The heretic, even though he has not been condemned formally by any individual, in reality brings anathema on himself, having cut himself off from the way of truth by his heresy. What reply can such people make to the Apostle when he writes: *As for someone who is factious, after admonishing him once or twice, have nothing more to do with him, knowing that such a person is perverted and sinful; he is self-condemned*.

It was in the spirit of this text that Cyril of holy memory, in the books which he wrote against Theodore, declared as follows: “Whether or not they are alive, we ought to keep clear of those who are in the grip of such dreadful errors. It is necessary always to avoid what is harmful, and not to be worried about public opinion but rather to consider what is pleasing to God”.⁴ The same Cyril of holy memory, writing to bishop John of Antioch and to the synod which met there, about Theodore who was condemned with Nestorius, says, “It was necessary that a brilliant festival should be kept since all those who had expressed opinions in accordance with Nestorius had been rejected, whoever they were. Action was taken against all those who believed, or had at any time believed, in these mistaken views. This is exactly what we and your holiness pronounced: ‘We anathematize those who assert that there exist two sons and two Christs. He who is preached by you and us is, as was said, the single Christ, both Son and Lord, the only-begotten as man, as learned Paul⁵ says’ ”.⁶ Moreover in his letter to the priests and fathers of monks, Alexander, Martinian, John, Paregorious and Maximus, and to those who were living as solitaries along with them, he says: “The holy synod of Ephesus, meeting in accordance with the will of God, has pronounced sentence against the heresy of Nestorius and has condemned according to justice and with accuracy both Nestorius himself and all those who might later, in inane fashion, adopt the same opinions as he held, and those who had previously adhered to the same opinions and who were bold enough to put them in writing, placing upon them all an equal condemnation. It was quite logical that when a condemnation was issued against one person for such stupidity in what he said, then that condemnation should apply not only to that person alone but also, so to speak, against all those who spread the heresies and untruths. They express these falsehoods against the true dogmas of the church, offering worship to two sons, trying to divide what cannot be divided, and introducing to both heaven and earth the offence of the worship of man. But the sacred band of heavenly spirits worship along with us only one lord Jesus Christ”.⁷ Moreover, several letters of Augustine of sacred memory, who was particularly outstanding among the African bishops, were read⁵ in which he

¹ Jn 3, 18. ² Gal 1,8. ⁵ Tt 3, 10-11. ⁴ PG 76, 1442. ⁵ See 1 Cor 8, 6; 1 Tm 2, 5.

⁶ PG 77, 334. PG 77, 294-295. ⁸ In the 5th session, see Msi 9, 260-261.

Talem autem ecclesiasticam traditionem, et alii Africani reverendissimi episcopi servaverunt: sed et Romana sancta ecclesia quosdam episcopos et post mortem anathematizavit, licet pro fide in vita sua non essent accusati: et utrumque apud nos habita gesta significant. Sed quoniam evidentissime veritatem impugnantes Theodori et ipsius impietatis discipuli, quaedam verba sanctae memoriae Cyrilli et Procli proferre conantur, quasi pro Theodoro scripta, opportunum est propositis aptare verba prophetae dicentis: *Quia rectae sunt viae Domini, et iusti ambulant in eis: impii autem infirmabuntur in eis*¹. Nam et isti male excipientes ea quae bene et opportune a sanctis istis patribus scripta sunt, et excusantes excusationes in peccatis², haec verba proferunt. Apparent enim patres non liberantes anathemate Theodorum, sed dispensative talibus quibusdam utentes verbis propter defensores Nestorii et eius impietatis, ut ab huiusmodi errore eos abstrahentes, ad perfectum deducerent, et docerent non solum discipulum impietatis Nestorium addicere, sed etiam doctorem eius Theodorum. Itaque et in ipsis dispensationis verbis suam patres intentionem ostendunt de eo quod oportet anathematizari Theodorum, sicut per plurima in gestis apud nos habitis demonstratum est ex his quae ad condemnationem Theodori et eius impietatis Cyrillus et Proclus sanctae memoriae scripserunt. Et talem dispensationem in divina scriptura est invenire: ad hoc et Paulus apostolus in principio praedicationis fecisse ostenditur, propter eos qui ex Hebraeis erant, Timotheum circumcidens, ut per hanc dispensationem et condescensionem ad perfectum eos deduceret³. Unde postea interdicens circumcisionem, ad Galatas ita scripsit: *Ecce ego Paulus dico vobis, quod si circumcidamini, Christus vobis nihilprodest*^{*}. Invenimus autem et illud quod solent haeretici facere, et a Theodori defensoribus factum. Quedam enim ex his quae sancti patres scripserunt, circumcidentes, quaedam vero falsa ex semetipsis componentes et confingentes, Cyrilli sanctae memoriae epistola conabantur, quasi ex testimonio patrum, praedictum impium Theodorum anathemate liberare: in quibus ex ipsis veritas demonstrata est, his quidem quae circumcisa erant, per sequentiam anteriorum et posteriorum perlectis, mendacio autem falsitatis per collationem eorum quae vera erant, per omnia convicto. In omnibus autem istis, qui talia vana loquuntur, secundum quod scriptum est, *confidunt falsis, et loquuntur vana: quia concipiunt dolorem, et pariunt iniquitatem*,. *telam araneae texente*^P. His ita de Theodoro et eius impietate discussis, pauca et ex his quae impie a Theodorito conscripta sunt contra rectam fidem, et duodecim capitula sancti Cyrilli, et contra Ephesinam primam synodum, nec non quaedam ad defensionem Theodori et Nestorii impiorum ab eo conscripta, ad satisfactionem legentium in gestis apud nos confectis recitari et inseri persjimus; ut sciant omnes, quod iuste isti eiiciuntur et anathematizantur. Tertio loco epistola, quam dicitur Ibas ad Marim Persam scripsisse, ad examinationem proposita, necessarium esse perspeximus et eam recitari. Statim igitur ex ipsa lectione impietas ei inserta omnibus manifesta est. Et oporteret quidam, usque ad

¹ Os 14,10. ² Cf. Ps 140, 4. ³ Cf. Ac 16,1-3. ^{*} Gal5,2. ^P Is 59, 4-5.

indicates that it is correct to condemn heretics even after their death. Other most reverend bishops of Africa have also observed this church custom; moreover the holy church of Rome has issued anathemas against certain bishops even after they were dead, although they had not been accused on matters of faith while they were alive; the acts of our deliberations bear witness to both these cases. Since the followers of Theodore and his heresy, who are plainly opposed to the truth, have tried to adduce some sections of the writings of Cyril and Proclus of holy memory, as though these were in favour of Theodore, it is appropriate to apply to these attempts the observation of the prophet when he writes: *The ways of the Lord are right, and the upright walk in them, but transgressors stumble in them*¹. These followers have wilfully misunderstood what the holy fathers wrote, even though it was true and appropriate; they have quoted these writings, dissembling excuses for their own iniquities². It seems that the fathers did not lift the anathema against Theodore but rather used the language of concession in order to lead away from their mistake those who offered some defence of Nestorius and his heresy; their aim was to lead them to perfection and to instruct them that not only was Nestorius, the disciple of heresy, condemned but also his teacher Theodore. The fathers indicate their intention in this matter despite the conciliatory forms used: Theodore was to be anathematized. This has been very clearly shown to be the case by us in our acts from the works of Cyril and Proclus of blessed memory in respect of the condemnation of Theodore and his heresy. This conciliatory attitude is also to be found in the holy scriptures. The apostle Paul employed this tactic at the start of his ministry when he was dealing with those who had been Jews; he circumcised Timothy so that by this conciliation and concession he might lead them to perfection³. Afterwards, however, he ruled against circumcision, writing on the subject to the Galatians: *Now I Paul say to you that if you receive circumcision, Christ will be of no advantage to you*⁴. We found that the defenders of Theodore have done exactly what the heretics were accustomed to do. They have tried to lift the anathema on the said heretical Theodore by omitting some of the things which the holy fathers had written, by including certain confusing falsehoods of their own, and by quoting a letter of Cyril of blessed memory, as if all this were the evidence of the fathers. The passages which they quoted made the truth absolutely clear once the omitted sections were put back in their proper place. The falsehoods were quite apparent when the true writings were collated. In this matter those who issued these empty statements are those who, in the words of scripture, *rely on lies, they make empty pleas; they conceive mischief and bring forth iniquity, they weave the spider's web*⁵.

After we had investigated in this way Theodore and his heresy, we took the trouble to quote and include in our acts a few of Theodoret's heretical writings against true faith, against the twelve chapters of holy Cyril and against the first synod of Ephesus. We also included some of Theodoret's writings on the side of the heretical Theodore and Nestorius so that it would be made clear, to the satisfaction of anyone reading our acts, that these opinions had been properly rejected and anathematized.

Thirdly, the letter which is alleged to have been written by Ibas to Mari the Persian was brought under scrutiny and we discovered that it too ought to be officially read out. When the letter was read out, its heretical character was

¹ Hos 14, 10. ² SecPs 140, 4. ³ See Ac 16, 1-3. ⁴ Gal 5, 2. ⁵ Is 59, 4-5.

hoc quaestione facta, condemnationem et anathematismum praedictorum trium capitulorum facere: sed quia Theodori et Nestorii impiorum defensores alio modo machinabantur confirmare eorum personas et impietatem et dicebant istam impiam epistolam, quae laudat et defendit Theodorum et Nestorium, et eorum impietatem, susceptam esse a sancto Chalcedonensi concilio; necessarium esse putavimus per omnia ostendere, liberam esse sanctam synodum ab impietate quae in epistola continetur, eo quod qui talia dicunt non favore sancti concilii hoc faciunt, sed ut per eius nomen suam impietatem confirmarent. Et ostendebatur in gestis quod et interioribus temporibus accusatus est Ibas propter eandem impietatem, quae et in epistola continetur, primo quidem apud Proclum sanctae memoriae episcopum Constantinopolitanum, postea vero apud Theodosium piaae recordationis, et Flavianum, qui post Proclum episcopus ordinatus est, qui et causae examinationem delegaverunt Photio episcopo Tyri, et Eustathio episcopo Berytorum civitatis. Postea vero inculpatus idem Ibas ab episcopatu deiectus est. His ita subsecutis, quomodo praesumunt aliqui dicere istam impiam epistolam susceptam esse a sancto Chalcedonensi concilio, eamque per omnia secutum esse sanctum Chalcedonense concilium? Tamen ne quaecumque remaneret occasio eis qui tales calumnias applicant sancto Chalcedonensi concilio, recitari perspeximus ea quae apud sanctas synodus, Ephesinam primam et Chalcedonensem, pro epistolis sanctae memoriae Cyrilli, et religiosae memoriae papae antiquioris Romae Leonis mota sunt. Et cum ex his accepissemus, quod non aliter oportet suscipi quae ab aliquo scribuntur, nisi prius rectae fidei sanctorum patrum consonare demonstrentur; interlocuti sumus recitari et definitionem, quae de fide exposita est a sancto Chalcedonensi concilio, ut conferantur quae in epistola, et quae in definitione continentur. Quo facto demonstratum et contrariam per omnia epistolam esse his quae in definitione continentur. Nam definitio quidem consonat his quae iudicata sunt pro una eademque fide 'am a trecentis decem et octo sanctis patribus, quam a centum quinquaginta, et his qui prius Ephesi convenerunt: impia autem epistola illa continet quae Theodorus et Nestorius haeretici blasphemaverunt, et defendit eos, et doctores sibi adseribit; sanctos autem patres haereticos vocat. Et illud autem omnibus facimus manifestum, quod nec patres interlocationum unius vel secundi, quibus utuntur Theodori et Nestorii sequaces praeterire sustinuimus, sed et istis, et aliis omnibus interlocationibus in medio prolatis, et his quae eis continentur consideratis, invenimus quod non aliter passi sunt praedictum Iban. suscipere, priusquam exegissent eum Nestorium et impia eius dogmata, quae in epistola vindicantur, anathematizare. Et hoc fecerunt tam alii religiosi episcopi praedicti sancti concilii, quam illi duo, quorum interlocationibus quidam uti conantur. Hoc enim et in Theodorito observaverunt, et exegerunt eum anathematizare ea pro quibus accusabatur. Si igitur Iban non alio modo suscipere sustinuissent, nisi impietatem, quae in epistola continetur, condemnasset, et subscripsisset definitioni quae pro fide a sancto concilio data est, quomodo conantur dicere, susceptam esse impiam epistolam ab eodem sancto concilio? *Quae enim, ut vere dicamus, participa-*

immediately apparent to everyone. Until this time there had been some dispute as to whether the aforesaid three chapters ought to be condemned and anathematized. Since the supporters of the heretics Theodore and Nestorius were conspiring to strengthen in another way the case of these men and their heresy, and were alleging that this heretical letter, which approves and defends Theodore and Nestorius, had been accepted by the holy council of Chalcedon, it was therefore necessary for us to demonstrate that that holy synod was unaffected by the heresy which is present in that letter, and that clearly those who make such allegations are doing so not with the assistance of the holy council but so as to give some support to their own heresy by associating it with the name of Chalcedon. It was demonstrated in our acts that Ibas was previously accused of the same heresy which is contained in this letter. This accusation was levelled first by Proclus of holy memory, bishop of Constantinople, and afterwards by Theodosius of blessed memory and Flavian, the bishop there after Proclus, both of whom gave the task of examining the whole matter to Photius, bishop of Tyre, and to Eustathius, bishop of the city of Beirut. When Ibas was later found to be blameworthy, he was deposed from the episcopate. This being the state of affairs, how could anyone be so bold as to allege that that heretical letter was accepted by the holy council of Chalcedon or that the holy council of Chalcedon agreed with it in its entirety? So as to prevent those who misrepresent the holy council of Chalcedon in this way from having any further opportunity to do so, we instructed that there should be a formal reading of the official pronouncements of the holy synods, namely the first of Ephesus and that of Chalcedon, on the subject of the letters of Cyril of holy memory and of Leo of blessed memory, formerly pope of older Rome. We gathered from these authorities that nothing which has been written by anyone ought to be accepted unless it has been shown conclusively that it is in accord with the true faith of the holy fathers. Therefore we broke off from our deliberations so as to reiterate in a formal declaration the definition of faith which was promulgated by the holy council of Chalcedon. We compared what was written in the letter with this official statement. When this comparison was made, it was quite apparent that the contents of the letter were quite contradictory to those of the definition of faith. The definition was in accord with the unique, permanent faith set out by the 318 holy fathers, and by the 150, and by those who gathered for the first council at Ephesus. The heretical letter, on the other hand, included the blasphemies of the heretical Theodore and Nestorius and even gave support to them and describes them as doctors, while it condemns the holy fathers as heretics. We make it quite clear to everyone that we do not intend to omit what the fathers had to say in the first and second investigations, which are adduced by the supporters of Theodore and Nestorius in support of their case. Rather these statements and all the others were formally read out and what they contained was submitted to official scrutiny, and we found that they had not allowed the said Ibas to be accepted until they had obliged him to anathematize Nestorius and his heretical doctrines which were affirmed in that letter. This was the view not only of the two bishops whose interventions some have tried to misapply but also of the other religious bishops of that holy council. They also acted thus in the case of Theodore and insisted that he anathematize those opinions about which he was accused. If they would permit the acceptance of Ibas only if he condemned the heresy which was to be found in his letter, and on condition that he subscribed to a definition of faith set out by the council, how can an attempt be made to allege that this heretical letter was accepted by the same holy council? We are rightly told: *What partnership*

*tio est iustitiae et iniquitatis? ei quae societas est luci cum tenebris? quae autem conventio est Christi cum Belial? aui quae pars est fidei cum infidei? quae autem est commixtio templo Dei cum idolis?*¹

Repetitis igitur omnibus quae apud nos acta sunt, iterum confitemur, quod suscipimus sanctas quatuor synodos, id est, Nicaenam, Constan-
tinopolitanam, Ephesinam primam, et Chalcedonensem, et quae pro
una eademque fide definierunt, praedicavimus et praedicamus. Eos autem
qui haec non suscipiunt, alienos catholicae ecclesiae iudicamus. Condem-
namus autem et anathematizamus una cum omnibus aliis haereticis qui
condemnati et anathematizati sunt a praedictis sanctis quatuor conciliis,
et a sancta catholica et apostolica ecclesia, et Theodorum qui Mopsu-
estiae episcopus fuit, et impia eius conscripta, et quae impie Theodoritus
conscripsit contra rectam fidem, et contra duodecim capitula sancti
Cyrilli, et contra Ephesinam primam synodum, et quae ad defensionem
Theodori et Nestorii ab eo scripta sunt. Super haec anathematizamus et
impiam epistolam, quam dicitur Ibas ad Maxim Persam scripsisse, quae
denegat Deum Verbum de sancta Dei genitrice et semper virgine Maria
incarnatum, hominem factum esse; et sanctae-memoriae Cyrillum, qui
recte docuit, tamquam haereticum, et similiter Apollinario scribentem,
criminatur; et inculpat quidem Ephesinam primam synodum, tamquam
sine examinatione et quaestione Nestorio ab ea deposito, et duodecim
sancti Cyrilli capitula impia et contraria rectae fidei vocat; defendit autem
Theodorum et Nestorium, et impia eorum dogmata et conscripta. Prae-
dicta igitur tria capitula anathematizamus, id est, Theodorum impium
Mopsuestenum cum nefandis eius conscriptis, et quae impie Theodoritus
conscripsit, et impiam epistolam, quae dicitur Ibae, et defensores eorum,
et qui scripserunt vel scribunt ad defensionem eorum, vel recta ea dicere
praesumunt, vel omnino impietatem eorum nomine sanctorum patrum,
aut sancti Chalcedonensis concilii defenderunt, aut defendere conantur.

His ita cum omni subtilitate dispositis, in memoria tenentes promissio-
nes de sancta ecclesia factas, et qui dixit, quod *portae inferi non praeval-
ebunt adversus eam*², id est, haereticorum mortiferae linguae; recordantes
autem et quae per Oseam de ea prophetata sunt, in quibus dicit: *Et spon-
sabo te mihi in fide, et cognosces Dominum*²; haereticorum quidem effrenatas
linguas, et eorum impiissima conscripta, et eosdem ipsos haereticos, qui
usque ad mortem in sua impietate permanserunt, patri mendacii diabolo⁴
connumerantes, illis dicemus: *Ecce omnes vos ignem accenditis, et convalescere
facitis flammam ignis: ambulabitis in lumine ignis vestri, et per flammam accen-
ditis*². Nos autem mandatum habentes, per doctrinam rectam exhortari
populum, et loqui in cor Ierusalem'. id est, Dei ecclesiam, merito seminare
quidem in iustitia⁸ festinamus, vindemiantes fructum vitae, et illuminantes
nobis ipsis lumen scientiae, ex divinis scripturis, et patrum doctrina, ne-
cessarium esse putavimus capitulis comprehendere et praedicationem
veritatis, et haereticorum, necnon eorum impietatis condemnationem.

¹ 2 Cor 6,14-16. » Mt 16,18. * Os 2,20. 4 Cf. Io 4, 44.

⁸ Is 50,11. 8 Cf. Tt 1,9. T Cf. Is 40. 2. 8 Cf. Os 10,12.

*has righteousness with iniquity? Or what fellowship has light with darkness? What accord has Christ with Belial? Or what has a believer in common with an unbeliever? What participation has the temple of God with idols?*¹

Now that we have given the details of what our council has achieved, we repeat our formal confession that we accept the four holy synods, that is, of Nicaea, of Constantinople, the first of Ephesus, and of Chalcedon. Our teaching is and has been all that they have defined concerning the one faith. We consider those who do not respect these things as foreign to the catholic church. Furthermore, we condemn and anathematize, along with all other heretics who have been condemned and anathematized by the same four holy councils and by the holy, catholic and apostolic church, Theodore, formerly bishop of Mopsuestia, and his heretical writings, and also what Theodoret heretically wrote against the true faith, against the twelve chapters of holy Cyril and against the first synod of Ephesus, and we condemn also what he wrote defending Theodore and Nestorius. Additionally, we anathematize the heretical letter which Ibas is alleged to have written to Mari the Persian. This letter denies that God the Word was made incarnate of the ever virgin Mary, the holy mother of God, and that he was made man. It also condemns as a heretic Cyril of holy memory, who taught the truth, and suggests that he held the same opinions as Apollinarius. The letter condemns the first synod of Ephesus for deposing Nestorius without proper process and investigation. It calls the twelve chapters of holy Cyril heretical and contrary to the orthodox faith, while it supports Theodore and Nestorius and their heretical teachings and writings. Consequently we anathematize the aforesaid three chapters, that is, the heretical Theodore of Mopsuestia along with his detestable writings, and the heretical writings of Theodoret, and the heretical letter which Ibas is alleged to have written. We anathematize the supporters of these works and those who write or have written in defence of them, or who are bold enough to claim that they are orthodox, or who have defended or tried to defend their heresy in the names of holy fathers or of the holy council of Chalcedon.

These matters having been treated with thorough-going exactness, we bear in mind what was promised about the holy church and him who said that *the gates of hell will not prevail against it*² (by these we understand the death-dealing tongues of heretics); we also bear in mind what was prophesied about the church by Hosea when he said, *I shall betroth you to me in faithfulness and you shall know the Lord?*³, and we count along with the devil, the father of lies⁴, the uncontrolled tongues of heretics and their heretical writings, together with the heretics themselves who have persisted in their heresy even to death. So we declare to them: *Behold al! you who kindle a fire, who set brands alight! Walk by the light of your fire, and by the brands which you have kindled?* Since we are under command to encourage the people with orthodox teaching⁶ and to speak to the heart of Jerusalem⁷, that is the church of God, we very properly hurry to sow in righteousness⁸ and to reap the fruit of life. In doing this we are lighting for ourselves the lamp of knowledge from the scriptures and the teachings of the fathers. It has therefore seemed necessary to us to sum up in certain statements both our declarations of the truth and our condemnations of heretics and their heretical teachings.

¹ 2 Cor 6, 14-16. ² Mt 16, 18. ³ Hos 2, 20. ⁴ See Jn 4, 44.

⁵ Is 50, 11. ⁶ See Tt 1, 9. ⁷ See Is 40, 2. ⁸ See Hos 10, 12.

Ἀναθεματισμοὶ κατὰ τῶν τριῶν
κεφαλαίων

Anatbntatismi adrtrcm „itía Capitula"

α'

I

Et τι οὐχ ὁμολογεῖ πατὴρ καὶ υἱὸς
καὶ ἁγίου πνεύματος μίαν φύσιν, ἥτοι
5 οὐσίαν, μίαν τε δύναμιν καὶ ἐξουσίαν,
τριάδα ὁμοούσιον, μίαν θεότητα ἐν
τρὶσὶν ὑποστάσεσιν, ἡγουν προσώ-
ποι, προσκυνουμένην, ὁ τοιοῦτο
ἀνάθεμα ἐστω.

Si quis non confitetur Patris et Filii
et Spiritus sancti unam naturam sive
substantiam, et unam virtutem et
potestatem, trinitatem consubstan-
tialem, unam deitatem in tribus sub-
sistentiis sive personis adorandam,
talis a. s.

10 Εἰ γὰρ θεὸς καὶ πατήρ, ἐξ οὗ τὰ
πάντα, καὶ εἰ κύριο Ἰησοῦ Χρι-
στὸ, δι' οὗ τὰ πάντα, καὶ ἐν πνεύμα
ἁγίον, ἐν ᾧ τὰ πάντα¹.

Unus enim Deus et Pater, ex quo
omnia, et unus dominus Iesus Chri-
stus, per quem omnia, et unus Spi-
ritus sanctus, in quo omnia¹.

β'

II

Εἰ τι οὐχ ὁμολογεῖ τοῦ θεοῦ λόγου
15 εἶναι τὰ δύο γεννήσει, τὴν τε πρό-
αίωνων ἐκ τοῦ πατρὸς, ἀχρόνως καὶ
ἄσωμάτως, τὴν τε ἐπ' ἐσχάτων τῶν
ἡμερῶν² τοῦ αὐτοῦ κατελθόντος ἐκ
τῶν οὐρανῶν καὶ σαρκωθέντος ἐκ τῆς
μ ἁγίας ἐνδόξου Θεοτόκου καὶ ἀειπαρ-
θένου Μαρίας, καὶ γεννηθέντος ἐξ
αὐτῆς, ὁ τοιοῦτος ἀνάθεμα ἐστω.

Si quis non confitetur Dei Verbi du-
as esse natiuitates, unam quidem
ante saecula ex Patre sine tempore
incorporaliter, alteram vero in ulti-
mis diebus² eiusdem ipsius qui de
caelis descendit, et incarnatus de
sancta gloriosa Dei genitrice et sem-
per virgine Maria, natus est ex ipsa,
talis a. s.

γ'

Et τι λέγει ἄλλον εἶναι τοῦ θεοῦ τὸν
θαυματουργήσαντα, καὶ ἄλλον τὸν
25 Χριστὸν τὸν παθόντα, ἢ τὸν θεὸν
λόγον συνεῖναι λέγει τῷ Χριστῷ
γενομένῳ ἐκ γυναικὸς, ἢ ἐν αὐτῷ
εἶναι ὡς ἄλλον *bt* ἄλλω- ἄλλ* οὐχ ἓνα
καὶ τὸν αὐτὸν κύριον ἡμῶν Ἰησοῦν
30 Χριστόν, τὸν τοῦ θεοῦ λόγον, σαρκω-
θέντα καὶ ἐνανθρωπήσαντα, καὶ τοῦ
αὐτοῦ τὰ τε θαύματα καὶ τὰ πάθη,
ἀπερ ἐκουσίῳ ὑπέμεινε σαρκί, ὁ τοι-
οῦτος ἀνάθεμα ἐστω.

Si quis dicit alium esse Deum Ver-
bum qui miracula fecit, et alium
Christum qui passus est, vel Deum
Verbum cum Christo esse nascente
de muliere, vel in ipso esse ut alte-
rum in altero, et non unum eun-
demque dominum nostrum Iesum
Christum, Dei Verbum incarnatum
et hominem factum, et eiusdem ip-
sius miracula, et passiones quas vo-
luntarie carne sustinuit, talis a. s.

δ'

IV

as Et τι λέγει κατὰ χάριν ἢ κατ' ἐνέρ-
γειαν ἢ κατ' ἰσοτιμίαν ἢ κατὰ οἰούθεν-

Si quis dicit secundum gratiam vel
secundum operationem vel secun-

¹ Cf. 1 Cor 8, 6. » Cf. Hcb 1, 2.

Anathemas against the “Three Chapters”

1

If anyone will not confess that the Father, Son and holy Spirit have one nature or substance, that they have one power and authority, that there is a consubstantial Trinity, one Deity to be adored in three subsistences or persons: let him be anathema.

There is only one God and Father, from whom all things come, and one Lord, Jesus Christ, through whom all things are, and one holy Spirit, in whom all things are¹.

2

If anyone will not confess that the Word of God has two nativities, that which is before all ages from the Father, outside time and without a body, and secondly that nativity of these latter days² when the Word of God came down from the heavens and was made flesh of holy and glorious Mary³, mother of God and ever-virgin, and was born from her: let him be anathema.

3

If anyone declares that the [Word] of God who works miracles is not identical with the Christ who suffered, or alleges that God the Word was with the Christ who was born of woman, or was in him in the way that one might be in another, but that our lord Jesus Christ was not one and the same, the Word of God incarnate and made man, and that the miracles and the sufferings which he voluntarily underwent in the flesh were not of the same person: let him be anathema.

4

If anyone declares that it was only in respect of grace, or of principle of action, or of dignity or in respect of equality of honour, or in respect of authority, or of

¹ See I Cor 8, 6. ² See Heb 1, 2.

τίαν ἢ ἀναφοράν ἢ σχέσιν ἢ δύναμιν, τὴν ἐνωσιν τοῦ θεοῦ λόγου πρὸ ἀνθρώπου γεγενῆσθαι* ἢ κατὰ εὐδοκίαν, ὡς ἀρεσθέντο τοῦ θεοῦ λόγου τῷ ἀνθρώπῳ, ἀπὸ τοῦ εὐ καὶ καλῶ δόξαι αὐτῷ περὶ αὐτοῦ, καθὼς Θεόδωρο μαινόμενο λέγει* ἢ κατὰ ὁμωνυμίαν, καθ' ἣν οἱ Νεστοριανοὶ τὸν θεὸν λόγον Ἰησοῦν® καὶ Χριστὸν καλοῦντε, καὶ τὸν κατὰ ἄνθρωπον κεχωρισμένῳ Χριστῷ καὶ υἱὸν ὀνομάζοντε, καὶ δύο πρόσωπα προφανῶς λέγοντε, κατὰ μόνην τὴν προσηγορίαν καὶ τιμὴν καὶ ἀξίαν καὶ προσκύνησιν καὶ ἐν πρόσωπον καὶ ἓνα Χριστὸν ὑποκρίνονται λέγειν* ἀλλ' οὐχ ὁμολογεῖ τὴν ἐνωσιν τοῦ θεοῦ λόγου πρὸ σαρκὸς ἐμψυχωμένην ψυχὴ λογικὴ καὶ νοερὰ κατὰ σύνθεσιν, ἡγουν καθ' ὑπόστασιν γεγενῆσθαι, καθὼς οἱ ἅγιοι πατέρες ἐδίδασξαν* καὶ διὰ τοῦτο μίαν αὐτοῦ τὴν ὑπόστασιν, ὃ ἐστὶν ὁ κύριος Ἰησοῦς Χριστός, εἰς τὴν ἁγίαν τριάδα, ὁ τοιοῦτος ἀνάθεμα ἐστω.

Πολυτρόπῳ γὰρ νοούμενῃ τῇ ἐνώσει, οἱ μὲν τῇ ἀσεβείᾳ Ἀπολλινάριου καὶ Εὐτυχίου ἀκολουθοῦντες τῷ ἀφανισμῷ τῶν συνελθόντων προκείμενοι³ τὴν κατὰ σύγχυσιν τὴν* ἐνωσιν πρεσβεύουσιν, οἱ δὲ τὰ Θεοδώρου καὶ Νεστορίου φρονοῦντες, τῇ διαιρέσει χαίροντες, σχετικὴν τὴν ἐνωσιν ἐπεισάγουσιν* ἢ μέντοι ἁγία τοῦ θεοῦ ἐκκλησία ἐκάτερα ἀίρεσιν τὴν ἀσεβειαν ἀποβαλλομένην, τὴν ἐνωσιν τοῦ θεοῦ λόγου πρὸ τῆς σαρκὸς κατὰ σύνθεσιν ὁμολογεῖ, ὅπερ ἐστὶ καθ' ὑπόστασιν. Ἡ γὰρ κατὰ σύνθεσιν ἐνωσις ἐπὶ τοῦ κατὰ Χριστὸν μυστηρίου, οὐ μόνον ἀσύγχυτα τὰ συνελθόντα διαφυλάττει, ἀλλ' οὐδὲ διαίρεσιν ἐπιδέχεται.

dum dignitatem vel secundum aequalitatem honoris vel secundum auctoritatem aut relationem aut affectum aut virtutem, unionem Dei Verbi ad hominem factam esse, vel secundum bonam voluntatem, quasi quod placuit Deo Verbo homo, eo quod bene visum est ei de ipso, sicut Theodorus dicit; vel secundum homonymiam per quam nestoriani Deum Verbum Filium et Christum vocantes, et hominem separarim Christum et Filium nominantes, et duas personas evidenter dicentes, per solam nominationem et honorem et dignitatem et adorationem, unam personam, unum Filium et unum Christum confingunt dicere: sed non confitentur³ unitatem Dei Verbi ad carnem animatam anima rationabili et intellectuali, secundum compositionem sive secundum subsistentiam factam esse, sicut sancti patres docuerunt, et ideo unam eius subsistentiam compositam, qui est dominus noster Iesus Christus, unus de sancta Trinitate, talis a. s.

Cum enim multis modis unitas intelligitur, qui impietatem Apollinarii et Eutychetis sequuntur, interemptionem eorum quae convenerunt colentes, unionem secundum confusionem dicunt; Theodori autem et Nestorii sequaces, divisione gaudentes, affectualem unitatem introducunt. Sancta Dei ecclesia, utriusque perfidiae impietatem reiiciens, unionem Dei Verbi ad carnem secundum compositionem confitentur, quod est secundum subsistentiam. Unitio enim per compositionem in mysterio Christi non solum inconfuse ea quae convenerunt conservat, sed nec divisionem suscipit.

® ulàn p. / . *Afri*

3 Zrge προσκείμενοι

Y *omitte* τὴν1 confitentur *Afri*

some relation, or of some affection or power that there was a unity made between the Word of God and the man; or if anyone alleges that it is in respect of good will, as if God the Word was pleased with the man, because he was well and properly disposed to God, as Theodore claims in his madness; or if anyone says that this union is only a sort of synonymity, as the Nestorians allege, who call the Word of God Jesus¹ and Christ, and even designate the human separately by the names “Christ” and “Son”, discussing quite obviously two different persons, and only pretending to speak of one person and one Christ when the reference is to his title, honour, dignity or adoration; finally if anyone does not accept the teaching of the holy fathers that the union occurred of the Word of God with human flesh which is possessed by a rational and intellectual soul, and that this union is by synthesis or by person, and that therefore there is only one person, namely the lord Jesus Christ, one member of the holy Trinity : let him be anathema.

The notion of “union” can be understood in many different ways. The supporters of the wickedness of Apollinarius and Eutyches have asserted that the union is produced by a confusing of the uniting elements, as they advocate the disappearance of the elements that unite. Those who follow Theodore and Nestorius, rejoicing in the division, have brought in a union which is only by affection. The holy church of God, rejecting the wickedness of both sons of heresy, states her belief in a union between the Word of God and human flesh which is by synthesis, that is by a union of subsistence. In the mystery of Christ the union of synthesis not only conserves without confusing the elements that come together but also allows no division.

^α Son *variant reading in Msi.*

Εἰ τι τὴν μίαν ὑπόστασιν τοῦ κυρίου
 ἡμῶν Ἰησοῦ Χριστοῦ οὕτω ἐκλαμ-
 βάνει, ὡς ἐπιδεχομένην πολλῶν υπο-
 στάσεων σημασίαν καὶ διὰ τοῦτο
 5 εἰσάγειν επιχειρεῖ ἐπὶ τοῦ κατὰ Χρι-
 στὸν μυστηρίου δύο ὑποστάσει, ἥτοι
 δύο πρόσωπα, καὶ τῶν παρ' αὐτοῦ
 εἰσαγομένων δύο προσώπων ἐν πρό-
 σωπον λέγει κατὰ ἀξίαν καὶ τιμὴν καὶ
 10 προσκύνησιν, καθάπερ Θεόδωρο καὶ
 Νεστόριο μαινόμενοι συνεγράψαντο,
 καὶ συκοφαντεῖ τὴν ἁγίαν ἐν Καλχη-
 δόνι σύνοδον, ὡς κατὰ ταύτην τὴν
 ἀσεβὴ ἐννοίαν χρησαμένην τῷ τῇ μί-
 15 ᾧ ὑποστάσει ῥήματι ἄλλα μὴ ὁμο-
 λογεῖ τὸν τοῦ θεοῦ λόγον σαρκὶ καθ'
 ὑπόστασιν ἐνωθῆναι, καὶ διὰ τοῦτο
 μίαν αὐτοῦ τὴν ὑπόστασιν, ἥτοι ἐν
 πρόσωπον οὕτω τε καὶ τὴν ἁγίαν
 20 ἐν Καλχηδόνι σύνοδον μίαν ὑπόστασιν
 τοῦ κυρίου ἡμῶν Ἰησοῦ Χριστοῦ ὁμο-
 λογῆσαι, ὁ τοιοῦτο ἀνάθεμα ἐστω.

Οὐτε γὰρ προσθήκην προσώπου,
 25 ἡγουν ὑποστάσει, ἐπέδεξάτο ἡ ἁγία
 τριάς, καὶ σαρκωθέντο τοῦ ἐνὸς τῇ
 ἁγία τριάδι θεοῦ λόγου.

9

Εἰ τι καταχρηστικῶς, ἀλλ' οὐκ
 ἀληθῶς Θεοτόκον λέγει τὴν ἁγίαν
 30 ἐνδοξον ἀειπάρθενον Μαρίαν, ἢ κατὰ
 ἀναφοράν, ὡς ἀνθρώπου ψιλοῦ γεν-
 νηθέντο, ἀλλ' οὐχὶ τοῦ θεοῦ λόγου
 σαρκωθέντο καὶ τῇ ἐξ αὐτῆς,
 ἀναφερομένη δὲ καὶ ἐκείνου τῇ
 35 τοῦ ἀνθρώπου γεννήσει ἐπὶ τὸν θεὸν
 λόγον, ὡς συνόντα τῷ ἀνθρώπῳ
 γενομένῳ καὶ συκοφαντεῖ τὴν ἁγίαν
 ἐν Καλχηδόνι σύνοδον, ὡς κατὰ ταύ-
 την τὴν ἀσεβὴ ἐπινοηθεῖσαν παρὰ
 40 Θεοδώρου ἐννοίαν, Θεοτόκον τὴν παρ-
 θένον εἰπούσαν ἢ εἰ τι ἀνθρωποτόκον
 αὐτὴν καλεῖ ἢ χριστοτόκον, ὡς τοῦ

3 *faitt* τῇ

Si quis unam subsistentiam domini
 nostri Iesu Christi sic intelligit, tan-
 quam suscipientem plurimarum sub-
 sistentiarum significationem, et per
 hoc introducere conatur in mysterio
 Christi duas subsistentias, seu duas
 personas, et duarum personarum
 quas introducit, unam personam
 dicit secundum dignitatem et ho-
 norem et adorationem, sicut Theo-
 dorus et Nestorius insanientes con-
 scripserunt et calumniantur sanctam
 Chalcedonensem synodum tanquam
 secundum istum impium intellec-
 tum, unius subsistentiae utentem
 vocabulo, sed non confitetur Dei
 Verbum cum secundum subsisten-
 tiam unitum esse et propter hoc
 unam eius subsistentiam seu unam
 personam, et sic et sanctum Chalce-
 donense concilium unam subsisten-
 tiam domini nostri Iesu Christi con-
 fessum esse, talis a. s.

Nec enim adiectionem personae
 vel subsistentiae suscepit sancta
 Trinitas ex incarnato uno de sancta
 Trinitate Deo Verbo.

VI

Si quis abusive et non vere Dei geni-
 tricem dicit sanctam gloriosam sem-
 per virginem Mariam, vel secundum
 relationem, quasi homine puro
 nato, sed non Deo Verbo incarnato
 et nato ex ipsa, referenda autem,
 sicut illi dicunt, hominis nativitate
 ad Deum Verbum, eo quod cum
 homine erat nascente, et calumni-
 atur sanctam Chalcedonensem syn-
 odum, tanquam secundum istum im-
 pium intellectum, quem Theodorus
 execrandus adinvenit, Dei genitri-
 cem Virginem dicentem, vel qui
 hominis genitricem vocat, aut Chri-

5

If anyone understands by the single subsistence of our lord Jesus Christ that it covers the meaning of many subsistences, and by this argument tries to introduce into the mystery of Christ two subsistences or two persons, and having brought in two persons then talks of one person only in respect of dignity, honour or adoration, as both Theodore and Nestorius have written in their madness; if anyone falsely represents the holy synod of Chalcedon, making out that it accepted this heretical view by its terminology of “one subsistence”, and if he does not acknowledge that the Word of God is united with human flesh by subsistence, and that on account of this there is only one subsistence or one person, and that the holy synod of Chalcedon thus made a formal statement of belief in the single subsistence of our lord Jesus Christ: let him be anathema.

There has been no addition of person or subsistence to the holy Trinity even after one of its members, God the Word, becoming human flesh.

6

If anyone declares that it can be only inexactly and not truly said that the holy and glorious ever-virgin Mary is the mother of God, or says that she is so only in some relative way, considering that she bore a mere man and that God the Word was not made into human flesh in her, holding rather that the nativity of a man from her was referred, as they say, to God the Word as he was with the man who came into being; if anyone misrepresents the holy synod of Chalcedon, alleging that it claimed that the virgin was the mother of God only according to that heretical understanding which the blasphemous Theodore put forward; or if anyone says that she is the mother of a man or the Christ-bearer, that is the mother of Christ, suggesting that Christ is not God; and does not formally

Χριστού μή δντο θεοῦ' ἀλλὰ μή κυ-
ρίῳ καί κατὰ ἀλήθειαν Οεοτόκον
αυτήν ὁμολογεῖ, διὰ τὸ τὸν πρό αἰῶ-
νων ἐκ τοῦ πατρὸ γεννηθέντα θεάν
λόγον επ' εσχάτων τῶν ἡμερων ἐξ
αὐτῇ σαρκώθηναι, οὕτω τε εὐσεβῶ
καί τήν αγίαν ἐν Καλχηδόνι σύνοδον
Οεοτόκον αὐτήν ὁμολογήσαι, ὁ τοιοῦ-
το ἀνάθεμα ἐστω.

ζ'

ΕΙ τι ἐν δύο φύσεσι λέγων, μή ὡ ἐν
Οεότητι καί ἀνθρωπότητι τὸν ἕνα
κύριον ἡμῶν Ἰησοῦν Χριστόν γνωρί-
ζεσθαι ὁμολογεῖ, ἵνα διὰ τούτου
σημαίνει τὴν διαφορὰν τῶν φύσεων,
ἐξ ὧν ἀσυγχύτω ἡ ἀφραστο ἐνωσι
γέγονεν, οὔτε τοῦ λόγου εἰ τὴν τῇ
σαρκὸ μεταποιηθέντο φύσιν, οὔτε
τῇ σαρκὸ πρό τὴν τοῦ λόγου φύσιν
μεταχωρησάση, (μένει γὰρ ἐκάτερον
ὅπερ ἐστὶ τῇ φύσει καί γενομένη τῇ
ἐνώσει καθ' ὑπόστασιν) ἀλλ' ἐπὶ
διαιρέσει τῇ ἀνά μέρος τὴν τοιαύτην
λαμβάνει φωνὴν ἐπὶ τοῦ κατὰ Χριστόν
μυστηρίου· ἡ τὸν ἀριθμὸν τῶν φύσεων
ὁμολογῶν ἐπὶ τοῦ αὐτοῦ ἐνὸ κυρίου
ἡμῶν Ἰησοῦ Χριστοῦ τοῦ θεοῦ λόγου
σαρκωθέντο, μή τῇ Θεωρίᾳ μόνῃ τὴν
διαφορὰν τούτων λαμβάνει, ἐξ ὧν καί
συντετέθη, οὐκ ἀναιρουμένην διὰ τὴν
ἐνωσιν, (εἰ γὰρ ἐξ ἀμφοῖν καί δι'
ἐνὸ ἁμφοτέρα) ἀλλ' ἐπὶ τούτῳ κέ-
χρηται τῷ ἀριθμῷ, ὡ κεχωρισμένα
καί Ἰδιοῦποστάτου ἔχει τὰ φύσει,
ὁ τοιοῦτο ἀνάθεμα ἐστω.

/ η

Ετ τι ἐκ δύο φύσεων, θεότητα καί
ἀνθρωπότητα ὁμολογῶν τὴν ἐνωσιν
γεγενήσθαχ, ἡ μίαν φύσιν τοῦ θεοῦ
λόγου σεσαρκωμένην λέγων, μή οὕτω
αὐτὰ λαμβάνῃ, καθάπερ καί οἱ ἅγιοι·
πατέρε ἐδίδαξαν, ὅτι ἐκ τῇ θείᾳ
φύσει καί τῇ ἀνθρωπίνῃ τῇ
ἐνώσει καθ' ὑπόστασιν γενομένη,

srotocon, id esc Christi genitricem,
tandam si Christus Deus non esset,
et non proprie et vere Dei genitri-
cem ipsam confitetur, eo quod ipse
qui ante saecula ex Patre natus est
Deus Verbum, in ultimis diebus ex
ipsa incarnatus et natus est, et sic
pie et sanctam Chalcedonensem
synodum Dei genitricem eam esse
confessam, talis a. s.

»

VII

Si quis in duabus naturis dicens,
non ur in deitate et humanitate
unum dominum nostrum Iesum
Christum cognosci confitetur, ut
per hoc significet differentiam natu-
rarum, in quibus inconfuse ineffa-
bilis unitio facta est, neque Deo
Verbo in carnis naturam transmu-
tato, neque carne in verbi naturam
transducta, (manet enim utrumque
hoc quod est natura, etiam facta
unitate secundum subsistentiam)
sed pro divisione per partem, talem
excipit vocem in mysterio Christi,
vel numerum naturarum confitendo
in eodem domino nostro Iesu Chri-
sto Deo Verbo incarnato, non in-
tellectu tantummodo differentiam
excipit earum ex quibus et compo-
situs est, non interemptam propter
unitatem, (unus enim ex utroque et
per unum utraque) sed in hoc nu-
mero utitur, ut separatim unaqua-
que natura suam habente subsisten-
tiam, talis a. s.

20

30

35

VIII

Si quis ex duabus naturis deitatis et
humanitatis confitens unitatem fac-
tam esse, vel unam naturam Dei
Verbi incarnatam dicens, non sic ea
excipit, sicut patres docuerunt,
quod ex divina natura et humana,
unitione secundum subsistentiam
facta, unus Christus effectus est,

40

Confess that she is properly and truly the mother of God, because he who before all ages was born of the Father, God the Word, has been made into human flesh in these latter days and has been born to her, and it was in this religious understanding that the holy synod of Chalcedon formally stated its belief that she was the mother of God: let him be anathema.

7

If anyone, when speaking about the two natures, does not confess a belief in our one lord Jesus Christ, understood in both his divinity and his humanity, so as by this to signify a difference of natures of which an ineffable union has been made, without confusion, in which neither the nature of the Word was changed into the nature of human flesh, nor was the nature of human flesh changed into that of the Word (each remained what it was by nature, even after the union, as this had been made in respect of subsistence); and if anyone understands the two natures in the mystery of Christ in the sense of a division into parts, or if he expresses his belief in the plural natures in the same lord Jesus Christ, God the Word made flesh, but does not consider the difference of those natures, of which he is composed, to be only in the onlooker's mind, a difference which is not compromised by the union (for he is one from both and the two exist through the one) but uses the plurality to suggest that each nature is possessed separately and has a subsistence of its own: let him be anathema.

8

If anyone confesses a belief that a union has been made out of the two natures, divinity and humanity, or speaks about the one nature of God the Word made flesh, but does not understand these things according to what the fathers have taught, namely that from the divine and human natures a union was made according to subsistence, and that one Christ was formed, and from these

εἰ Χριστό ἀπετελέσθη· ἀλλ' ἐκ τῶν
τοιούτων φωνῶν μίαν φύσιν, ἥτοι
οὐσίαν, θεότητα καὶ σαρκὸ τοῦ
Χριστοῦ εἰσάγειν ἐπιχειρεῖ, ὁ τοιοῦ-
s το ἀνάθεμα ἔστω.

Καθ' ὑπόστασιν γάρ λέγοντε τὸν
μονογενῆ λόγον ἡνῶ :ι, οὐκ ἀνάχυ-
σιν τινὰ τὴν εἰ ἀλλήλου || τῶν φύσεων
πεπράχθαι φαμεν, μενούση δέ μάλ-
10 λον ἑκατέρα ὅπερ ἔστιν, ἡνώσθαι
σαρκὶ νοοῦμεν τὸν λόγον διό καὶ εἰ
ἔστιν ὁ Χριστό, θεὸ καὶ ἄνθρωπο,
ὁ αὐτὸ ὁμοούσιο τῷ πατρὶ κατὰ τὴν
θεότητα, καὶ ὁμοούσιο ἡμῖν ὁ αὐτὸ
15 κατὰ τὴν ἀνθρωπότητα, Ἐπίση γάρ
καὶ τοῦ ἀνά μέρος διαιροῦντα, ἥτοι
τέμνοντα, καὶ τοῦ συγχέοντα τὸ
τῇ θείᾳ οἰκονομίᾳ μυστήριον τοῦ
Χριστοῦ, ἀποστρέφεται καὶ ἀναθεμα-
20 τίζει ἢ τοῦ θεοῦ ἐκκλησία.

sed ex talibus vocibus unam natu-
ram sive substantiam deitatis et car-
nis Christi introducere conatur, ta-
lis a. s.

Secundum subsistentiam enim di-
centes unigenitum Deum Verbum
carni unitum esse, non contusio-
nem aliquam naturarum in se invi-
cem factam esse dicimus, sed magis
permanente utraque hoc quod est,
unitum esse carni Deum Verbum
intelligimus. Propter quod et unus
est Christus, Deus et homo, idem
ipse consubstantialis Patri secun-
dum deitatem, et consubstantialis
nobis idem ipse secundum huma-
nitatem. Aequaliter enim et eos qui
per partem dividunt vel incidunt,
et eos qui confundunt divinae dis-
pensationis mysterium Christi, reii-
cit er anathematizat Dei ecclesia.

θ'

IX

Et τι προσκυνεῖσθαι ἐν δυσὶ φύσεσι
λέγει τὸν Χριστόν, ἐξ οὗ δύο προσκυ-
25 νήσει εἰσάγονται, Ἰδίᾳ τῷ θεῷ λόγῳ
καὶ Ἰδίᾳ τῷ ἀνθρώπῳ· ἢ εἴ τι ἐπὶ
ἀναιρέσει τῇ σαρκὶ ἢ ἐπὶ συγ-
χύσει τῇ θεότητι καὶ τῇ ἀνθρω-
πότητι, ἢ μίαν φύσιν, ἡγουν οὐσίαν,
30 τῶν συνελθόντων τερατευόμενον, οὐ-
τῷ προσκυνεῖ τὸν Χριστόν ἀλλ' οὐχὶ
μία προσκυνήσει τὸν θεόν λόγον σαρ-
κωθέντα μετὰ τῇ ἰδίᾳ αὐτοῦ σαρκὶ
προσκυνεῖ, καθάπερ ἢ τοῦ θεοῦ ἐκ-
35 κλησία παρέλαβεν ἐξ ἀρχῇ, ὁ τοιοῦ-
το ἀνάθεμα ἔστω.

Si quis in duabus naturis adorari di-
cit Christum, ex quo duas adoratio-
nes introducunt, separarim Deo
Verbo et separarim homini; vel si
quis ad interemptionem carnis⁴ vel
ad confusionem deitatis et humani-
tatis unam naturam sive substanti-
am eorum quae convenerunt intro-
ducens, sic Christum adorat, sed
non una adoratione Deum Verbum
incarnatum cum propria ipsius carne
adorat, sicut ab initio Dei ecclesiae
traditum est, talis a. s.

Et τι οὐχ ὁμολογεῖ τὸν ἐσταυρωμέ-
νον σαρκὶ κύριον ἡμῶν Ἰησοῦν Χρι-
στόν εἶναι θεόν ἀληθινόν καὶ κύριον
«0 τῇ δόξῃ καὶ ἓνα τῇ ἀγίᾳ τριάδι,
ὁ τοιοῦτο ἀνάθεμα ἔστω.

Si quis non confitetur dominum
nostrum Iesum Christum, qui cruci-
fixus est carne, Deum esse verum,
et Dominum gloriae, et unum de
sancta Trinitate, talis a. s.

« leg ἀλλήλα

* dttsl in Msi (= τῇ σαρκὶ)

expressions tries to introduce one nature or substance made of the deity and human flesh of Christ: let him be anathema.

In saying that it was in respect of subsistence that the only-begotten God the Word was united, we are not alleging that there was a confusion made of each of the natures into one another, but rather that each of the two remained what it was, and in this way we understand that the Word was united to human flesh. So there is only one Christ, God and man, the same being consubstantial with the Father in respect of his divinity, and also consubstantial with us in respect of our humanity. Both those who divide or split up the mystery of the divine dispensation of Christ and those who introduce into that mystery some confusion are equally rejected and anathematized by the church of God.

9

If anyone says that Christ is to be worshipped in his two natures, and by that wishes to introduce two adorations, a separate one for God the Word and another for the man; or if anyone, so as to remove the human flesh or to mix up the divinity and the humanity, monstrosly invents one nature or substance brought together from the two, and so worships Christ, but not by a single adoration God the Word in human flesh along with his human flesh, as has been the tradition of the church from the beginning: let him be anathema.

10

If anyone does not confess his belief that our lord Jesus Christ, who was crucified in his human flesh, is truly God and the Lord of glory and one of the members of the holy Trinity: let him be anathema.

ια'

XI

Εἰ τι μή αναθεματίζει “Ἀρειον, Εὐνόμιον, Μακεδόνιον, Ἀπολλινάριον, Νεστόριον, Εὐτυχέα καὶ Ὠριγένην, μετὰ τῶν ἀσεβῶν αὐτῶν συγγραμμάτων, καὶ τοῦ (ἄλλου πάντα αἰρετικοῦ, τοῦ κατακριθέντα καὶ ἀναθεματισθέντα ὑπὸ τῇ ἀγίᾳ καθολικῇ καὶ ἀποστολικῇ ἐκκλησίᾳ, καὶ τῶν προειρημένων ἁγίων τεσσάρων συνόδων, καὶ τοῦ τὰ ὅμοια τῶν προειρημένων αἰρετικῶν φρονήσαντα ἢ φρονοῦντα, καὶ ἄχέχρι τέλους τῇ οἰκείᾳ ἀσεβείᾳ ἐμμεΐναντα, ὁ τοιοῦτο ἀνάθεμα ἔστω.

Si quis non anathematizat Arium, Eunomium, Macedonium, Apollinarium, Nestorium, Eutychen, Origenem cum impiis eorum conscriptis, et alios omnes haereticos, qui 5
condemnati et anathematizati sunt a sancta catholica et apostolica ecclesia et a praedictis sanctis quatuor conciliis, et eos qui similia praedictis haereticis sapuerunt vel sapiunt, et usque ad mortem in sua impietate permanserunt vel permanent, talis a. s. 10

Φ'

XII

Εἰ τι ἀντιποιεῖται Θεοδώρου τοῦ ἀσεβοῦ τοῦ Μοψουεστία, τοῦ εἰπόντο ἄλλον εἶναι τὸν θεὸν λόγον καὶ ἄλλον τὸν Χριστόν, ὑπὸ παθῶν ψυχῇ καὶ τῶν τῇ σαρκὶ ἐπιθυμιῶν ἐνοχλούμενον καὶ τῶν χειρόνων κατὰ μικρὸν χωριζόμενον, καὶ οὕτω ἐκ προκοπῇ ἔργων βελτιωθέντα καὶ ἐκ πολιτείας ἀμωμον καταστάντα, ὥς φιλὸν ἄνθρωπον βαπτισθῆναι εἰς ὄνομα πατρὸς καὶ υἱοῦ καὶ ἁγίου πνεύματος, καὶ διὰ τοῦ βαπτίσματος τὴν χάριν τοῦ ἁγίου πνεύματος λαβεῖν καὶ υἱοθεσία ἀξιωθῆναι, καὶ κατ' ἰσότητά βασιλικὴ εἰκόνη εἰς πρόσωπον τοῦ θεοῦ λόγου προσκυνεῖσθαι, καὶ μετὰ τὴν ἀνάστασιν ἀτρεπτον ταῖς ἐννοίαις καὶ ἀναμάρτηταν παντελῶς γενέσθαι. Καὶ πάλιν εἰρηκότο τοῦ αὐτοῦ ἀσεβοῦ Θεοδώρου τὴν ἐνωσιν τοῦ θεοῦ λόγου πρὸς τὸν Χριστόν τοιαύτην γεγενῆσθαι, οἷαν ὁ ἀπόστολος ἐπὶ ἀνδρὶ καὶ γυναικὶ ἔσονταί· οἱ δύο εἰς σὰρκα μίαν¹.

Καὶ πρὸς ταῖς ἄλλαις ἀναριθμήτοις αὐτοῦ βλασφημίαις τολμήσαντο εἰπεῖν ὅτι μετὰ τὴν ἀνάστασιν, ἐμφυσῇ-

Si quis defendit impium Theodorum Mopsuestenum, qui dixit alium esse Deum Verbum, et alium Christum a passionibus animae et desideriiis carnis molestias patientem, et a deterioribus paulatim recedentem et sic ex profectu operum melioratum et a conversatione immaculatum factum et tanquam purum hominem baptizatum esse in nomine Patris et Filii et Spiritus sancti, et per baptismum sancti Spiritus gratiam accepisse et filiationem meruisse et ad similitudinem imperialis imaginis in persona Dei Verbi adorari, et post resurrectionem immutabilem cogitationibus et impeccabilem omnino factum fuisse. Et iterum dixit impius Theodorus, talem factam esse unionem Dei Verbi ad Christum, qualem dixit 35
Apostolus de viro et muliere: *Erunt duo in carne una*1.

Et super alias innumerabiles blasphemias ausus est dicere, quos post resurrectionem, cum insufflasset Do-

¹ Eph 5,31.

11

If anyone does not anathematize Arius, Eunomius, Macedonius, Apollinarius, Nestorius, Eutyches and Origen, as well as their heretical books, and also all other heretics who have already been condemned and anathematized by the holy, catholic and apostolic church and by the four holy synods which have already been mentioned, and also all those who have thought or now think in the same way as the aforesaid heretics and who persist in their error even to death: let him be anathema.

12

If anyone defends the heretical Theodore of Mopsuestia, who said that God the Word is one, while quite another is Christ, who was troubled by the passions of the soul and the desires of human flesh, was gradually separated from that which is inferior, and became better by his progress in good works, and could not be faulted in his way of life, and as a mere man was baptized in the name of the Father and the Son and the holy Spirit, and through this baptism received the grace of the holy Spirit and came to deserve sonship and to be adored, in the way that one adores a statue of the emperor, as if he were God the Word, and that he became after his resurrection immutable in his thoughts and entirely without sin. Furthermore this heretical Theodore claimed that the union of God the Word to Christ is rather like that which, according to the teaching of the Apostle, is between a man and his wife: *The two shall become one*.

Among innumerable other blasphemies he dared to allege that, when after his resurrection the Lord breathed on his disciples and said, *Receive the holy*

⁴ Eph 5, 31.

σα ὁ κύρια τοῖ μαθηταῖ καὶ εἰπὼν * λάβετε πνεῦμα ἅγιον¹, οὐ δέδωκεν αὐτοῖ πνεῦμα ἅγιον, ἀλλὰ σχήματι μόνον ἐνεφύσησε² οὗτο δέ
 s καὶ τὴν ὁμολογίαν Θωμά, τὴν ἐπὶ τῇ ψηλαφήσει τῶν χειρῶν καὶ τῇ πλευρᾷ τοῦ κυρίου μετὰ τὴν ἀνάστα-
 σιν, τὸ ‘ ὁ κύριό μου καὶ ὁ θεός μου ’², εἶπε μὴ εἰρήσθαι περὶ τοῦ Χριστοῦ
 10 παρὰ τοῦ Θωμά, ἀλλ* ἐπὶ τοῦ παραδόξου τῇ ἀναστάσει ἐκπλα-
 γέντα τον Θωμάν, ὑμνήσαι τον θεόν τὸν ἐγείραντα τὸν Χριστόν τὸ δέ χειρόν, καὶ ἐν τῇ τῶν πράξεων τῶν
 15 αποστόλων γενομένη παρ’ αὐτοῦ ἐρμηνεία, συγκρίνων ὁ αὐτὸ Θεόδω-
 ρο τὸν Χριστόν Πλάτων». καὶ Μανι-
 χαίω καὶ Ἐπικουρῷ καὶ Μαρκίῳ, λέγει διτι* ὡς περ ἐκείνων ἕκαστο ,
 μ εὐράμενο οἰκεῖον δόγμα, τοῦ αὐτῷ μαθητεύσαντα πεποίηκε καλεῖσθαι πλατωνικοῦ καὶ
 μανιχαίου καὶ επικούρειου καὶ μαρκιωνιστά , τὸν ὅμοιον τρόπον καὶ τοῦ Χριστοῦ
 25 εὐραμένου δόγμα, ἐξ αὐτοῦ χριστιανοῦ καλεῖσθαι.

Εἰ τι τοίνυν ἀντιποιεῖται τοῦ εἰρη-
 μένου ἀσεβεστάτου Θεοδώρου καὶ τῶν ἀσεβῶν αὐτοῦ συγγραμμάτων, ἐν
 30 οἱ τὰ τε εἰρημένα καὶ ἄλλα ἀναριθμήτου βλασφημία ἐξέχεε κατὰ τοῦ μεγάλου θεοῦ καὶ σωτῆρος ἡμῶν
 Ἰησοῦ Χριστοῦ· ἀλλὰ μὴ ἀναθεματίζει αὐτόν καὶ τὰ ἀσεβῆ αὐτοῦ
 35 συγγράμματα, καὶ πάντα τοῦ δεχομένου ἢ καὶ ἐκδικοῦντα αὐτόν, ἢ λέγοντα ὀρθοδόξω αὐτόν ἐκθέσθαι,
 καὶ τοῦ γράψαντα ὑπὲρ αὐτοῦ καὶ τῶν ἀσεβῶν αὐτοῦ συγγραμμάτων,
 40 καὶ τοῦ τὰ ὅμοια φρονοῦντα ἢ φρονησαντα πώποτε καὶ μέχρι τέλους ἐμμεῖναντα τῇ τοιαύτῃ αἰρέσει,
 ἀνάθεμα ἔστω.

minus discipulis et dixisset: *Accipite Spiritum sanctum*¹, non dedit eis Spiritum sanctum, sed figuratim tantummodo insufflavit. Iste enim et confessionem quam fecit Thomas cum palpasset manus et latus Domini post resurrectionem, dicens: *Dominus meus et Dens meus*³, inquit non esse dictam a Thoma de Christo, (nec enim dicit Theodorus Deum esse Christum) sed ad miraculum resurrectionis stupefactum Thomam glorificasse Deum qui Christum resuscitavit. Et, quod peius est, etiam in interpretatione, quam in actus apostolorum scripsit Theodorus, similem fecit Christum Platoni et Manichaeo et Epicuro et Marcioni, dicens: Quod sicut illorum unusquisque ex dogmate quod invenit suos discipulos fecit vocari platonicos et manichaeos et epicureos et marcionistas, simili modo et cum Christus dogma invenisset, ex ipso Christianos vocari.

Si quis igitur defendit praedictum impium Theodorum et impia eius conscripta, in quibus tam praedictas, quam alias innumerabiles blasphemias effudit contra magnum Deum et salvatorem Iesum Christum, et non anathematizat eum et impia eius conscripta, et omnes qui suscipiunt vel defendunt eum et dicunt orthodoxe eum exposuisse, et qui scripserunt pro eo et eadem illi sapuerunt, vel scribunt pro eo vel impiis eius conscriptis, vel eos qui similia illi sapiunt vel aliquando sapuerunt et usque ad mortem permanserunt vel permanent in tali impietate, talis a. s.

» Io 20,22. 1 Io 20,28.

*Spirit*¹, he was not truly giving them the holy Spirit, but he breathed on them only as a sign. Similarly he claimed that Thomas's profession of faith made when, after his resurrection, he touched the hands and side of the Lord, namely *My Lord and my God*², was not said about Christ, but that Thomas was in this way extolling God for raising up Christ and expressing his astonishment at the miracle of the resurrection. This Theodore makes a comparison which is even worse than this when, writing about the acts of the Apostles, he says that Christ was like Plato, Manichaeus, Epicurus and Marcion, alleging that just as each of these men arrived at his own teaching and then had his disciples called after him, Platonists, Manichaeans, Epicureans and Marcionites, so Christ found his teaching and then had disciples who were called Christians.

If anyone offers a defence for this more heretical Theodore, and his heretical books in which he throws up the aforesaid blasphemies and many other additional blasphemies against our great God and saviour Jesus Christ, and if anyone fails to anathematize him and his heretical books as well as all those who offer acceptance or defence to him, or who allege that his interpretation is correct, or who write on his behalf or on that of his heretical teachings, or who are or have been of the same way of thinking and persist until death in this error: let him be anathema.

¹ Jn 20, 22. ² Jn 20, 28.

if

Et τι αντιποιείται τῶν ασεβῶν συγγραμμάτων Θεοδώρητου, τῶν κατὰ τὴν ἀληθοῦ πίστει καὶ τῇ ἐν Ἐφέσῳ πρώτῃ καὶ ἁγίᾳ συνόδῳ καὶ τοῦ ἐν ἁγίοι Κυρίλλου καὶ τῶν δώδεκα αὐτοῦ κεφαλαίων, καὶ πάντων, ὧν συνεγράψατο ὑπὲρ Θεοδώρου καὶ Νεστορίου τῶν δυσσεβῶν καὶ ὑπὲρ ἄλλων τῶν τὰ αὐτὰ τοῦ προειρημένου Θεοδώρου καὶ Νεστορίου φρονούντων καὶ δεχόμενων αὐτοῦ καὶ τὴν αὐτῶν ἀσέβειαν, καὶ δι* αὐτῶν ασεβεῖ καλεῖ τοῦ τῇ ἐκκλησίᾳ διδασκάλου, τοῦ καθ' ὑπόστασιν τὴν ἐνῶσιν τοῦ θεοῦ λόγου φρονούντα· καὶ εἶπερ οὐκ ἀναθεματίζει τὰ εἰρημένα ασεβῆ συγγράμματα καὶ τοῦ τὰ ὅμοια τούτοι φρονήσαντα ἢ φρονούντα, καὶ πόντο δὲ τοῦ γράφοντα κατὰ τὴν ὀρθὴν πίστει, ἢ τοῦ ἐν ἁγίοι Κυρίλλου καὶ τῶν δώδεκα αὐτοῦ κεφαλαίων, καὶ ἐν τῇ τοιαύτῃ ἀσεβείᾳ τελευτήσαντα, ὁ τοιοῦτο ἀνάθεμα ἔστω.

ιδ'

Εἰ τι αντιποιείται τῇ ἐπιστολῇ τῇ λεγομένῃ - παρὰ Τῖβα γεγράφθαι προ Μάρην τὸν Πέρσην, τῇ ἀρνούμενῃ μὲν τὸν θεὸν λόγον ἐκ τῇ ἁγίᾳ Θεοτόκου καὶ ἀειπαρ-Οένου Μαρίας σαρκωθέντα, ἄνθρωπον γεγενῆσθαι· λεγούσῃ δὲ ψιλὸν ἄνθρωπον ἐξ αὐτῇ γεννηθῆναι, δὴ ναὸν ἀποκαλεῖ, ὡς ἄλλον εἶναι τὸν θεὸν λόγον καὶ ἄλλον τὸν ἄνθρωπον* καὶ τὸν ἐν ἁγίοι Κυρίλλον τὴν ὀρθὴν τῶν χριστιανῶν πίστιν κηρύξαντα διαβαλλούσῃ ὡς αἰρετικὸν καὶ ὁμοῖω Ἀπολλινάριῳ τῷ δυσσεβεῖ γράψαντα* καὶ μεμφομένη τὴν ἐν Ἐφέσῳ πρώτην ἁγίαν σύνοδον, ὡς χωρὶς κρίσεως καὶ ζητησεως Νεστόριον καθελοῦσαν* καὶ τὰ δώδεκα κεφάλαια τοῦ ἐν ἁγίοι Κυρίλλου ἀσεβῆ καὶ ἐναν-

XIII

Si quis defendit impia Theodoriti conscripta, quae contra rectam fidem et contra primam Ephesinam synodum et sanctum Cyrillum et duodecim eius capitula exposuit, 5 et omnia quae conscripsit pro Theodoro et Nestorio impiis, et pro aliis qui eadem praedictis Theodoro et Nestorio sapuerunt, defendens eos et eorum impietatem, et propter hoc 10 impios vocans doctores ecclesiae, qui unitatem secundum subsistentiam Dei Verbi ad carnem confitentur, et non anathematizat ea et eos qui similia sapuerunt vel sapiunt, 15 insuper autem et omnes qui scripserunt contra rectam fidem et sanctum Cyrillum et duodecim eius capitula, et usque ad mortem in tali impietate permanserunt, talis a. s. 20

XIV

Si quis defendit epistolam, quam 25 dicitur Ibas ad Marin Persam haereticum scripsisse, quae abnegat quidem Deum Verbum de sancta genitrice semper virgine Maria incarnatum, hominem factum esse, 30 dicit autem purum hominem ex ipsa natum esse, quem templum vocat, ut alius sit Deus Verbum et alius homo; et sanctum Cyrillum, qui rectam fidem Christianorum prae- 35 dicavit, tanquam haereticum et similiter Apollinario haeretico scripsisse criminatur; et inculpat primam Ephesinam sanctam synodum tanquam sine examinatione et quaestione Nestorium condemnantem; et duodecim capitula sancti Cyrilli im- pia et contraria rectae fidei vocat

13

If anyone defends the heretical writings of Theodorct which were composed against the true faith, against the first holy synod of Ephesus and against holy Cyril and his Twelve Chapters, and also defends what Theodoret wrote to support the heretical Theodore and Nestorius and others who think in the same way as the aforesaid Theodore and Nestorius and accept them or their heresy; and if anyone, because of them, shall accuse of being heretical the doctors of the church who have stated their belief in the union according to subsistence of God the Word; and if anyone does not anathematize these heretical books and those who have thought or now think in this way, and all those who have written against the true faith or against holy Cyril and his twelve chapters, and who persist in such heresy until they die: let him be anathema.

14

If anyone defends the letter which Ibas is said to have written to Mari the Persian, which denies that God the Word, who became incarnate of Mary the holy mother of God and ever virgin, became man, but alleges that he was only a man born to her, whom it describes as a temple, as if God the Word was one and the man someone quite different; which condemns holy Cyril as if he were a heretic, when he gives the true teaching of Christians, and accuses holy Cyril of writing opinions like those of the heretical Apollinarius; which rebukes the first holy synod of Ephesus, alleging that it condemned Nestorius without going into the matter by a formal examination; which claims that the twelve chapters of holy Cyril are heretical and opposed to the true faith; and which defends

τία τῇ ὀρθῇ πίστει ἀποκαλεῖ ἡ αὐτὴ ἀσεβὴ ἐπιστολή, καὶ ἐκδικεῖ Θεόδωρον καὶ Νεστόριον καὶ τὰ ἀσεβὴ αὐτῶν δόγματα καὶ συγγράμ-

5 ματα.

Et τι τοίνυν τῇ εἰρημένῃ ἐπιστολῇ ἀντιποιεῖται, καὶ μὴ ἀναθεματίζει αὐτὴν καὶ τοῦ ἀντιποιοῦ-
 10 μένου αὐτὴ καὶ λέγοντα αὐτὴν ὀρθὴν εἶναι ἢ μέρος αὐτῇ, καὶ γρά-
 φοντα καὶ γράφοντα ὑπὲρ αὐτῇ ἢ τῶν περιεχομένων αὐτῇ ἀσεβειῶν, καὶ τολμώντα τούτην ἐκδικεῖν ἢ
 τὰ περιεχόμενα αὐτῇ ἀσεβεῖα
 15 ὀνόματι τῶν ἁγίων πατέρων ἢ τῇ ἁγίᾳ ἐν Καλχηδόνι συνόδου, καὶ τοῦτοι μέχρι τέλους ἐμμεῖναντα, ὁ τοιοῦτο ἀνάθεμα ἔστω.

Τούτων τοίνυν οὕτω ὁμολογη-
 20 θέντων, ἃ καὶ παρελάβομεν ἐκ τῇ θείᾳ γραφῇ καὶ τῇ τῶν ἁγίων πατέρων διδασκαλίᾳ καὶ τῶν ὀρισθέντων περὶ τῇ μιᾷ καὶ τῇ αὐτῇ πί-
 στεω παρὰ τῶν προειρημένων ἁγίων
 25 τεσσάρων συνόδων γενομένην δὲ καὶ παρ' ἡμῶν τῇ ἐπὶ τοῖ ἀιρετικοῖ καὶ τῇ αὐτῶν ἀσεβεῖα, πρό γε καὶ τῇ τῶν ἐκδικησάντων ἢ ἐκδικούντων τὰ εἰρημένα τρία κεφάλαια, καὶ ἐν-
 30 ἀπομεινάντων ἢ ἀπομενόντων τῇ οἰκείᾳ πλάνῃ, κατακρίσῃ ' εἴ τι ἐπιχειρή-
 σοι ἐναντία τοῖ παρ' ἡμῶν διατυπω-
 θεῖσι παραδοῦναι ἢ διδάξαι ἢ γράψαι, εἰ μὲν ἐπίσκοπο εἴῃ ἢ ἐν κλήρῳ
 35 ἀναφερόμενο, ὁ τοιοῦτο, ἀλλότρια ἱερῶν καὶ τῇ ἐκκλησιαστικῇ κατα-
 στάσει πράττων, γυμνωθήσεται τῇ ἐπισκοπῇ ἢ τοῦ κλήρου' εἰ δὲ μοναχὸς ἢ λαϊκὸς, ἀναθεματισθήσεται.

eadem impia epistola, et defendit Theodorum et Nestorium et impia eorum dogmata et conscripta.

Si quis igitur memoratam impiam epistolam defendit et non anathematizat eam et defensores eius et eos qui dicunt eam rectam esse vel partem eius, et eos qui scripserunt vel scribunt pro ea vel pro impietate quae in ea continetur, et praesumunt eam defendere, vel insertam ei impietatem nomine sanctorum patrum vel sancti Chalcedonensis concilii, et in his usque ad mortem permanent, talis a. s.

Cum igitur haec ita recte confessi sumus, quae tradita nobis sunt tam a divinis scripturis, quam a sanctorum patrum doctrina, et ab his quae definita sunt de una eademque fide a praedictis sanctis quattuor conciliis, facta autem a nobis et condemnatione contra haereticos et eorum impietatem, nec non etiam contra eos qui defenderunt vel defendunt praedicta impia tria capitula, et permanserunt in suo errore vel qui permanent: si quis conatus fuerit contra haec quae pie disposuimus, vel tradere vel docere vel scribere, si quidem episcopus vel clericus sit, iste tanquam aliena a sacerdotibus et statu ecclesiastico faciens, denu-
 dabitur episcopatu vel clericatu; si autem monachus vel laicus sit, anathematizabitur.

Theodore and Nestorius and their heretical teachings and books.

If anyone defends the said letter and does not anathematize it and all those who offer a defence for it and allege that it or a part of it is correct, or if anyone defends those who have written or shall write in support of it or the heresies contained in it, or supports those who are bold enough to defend it or its heresies in the name of the holy fathers of the holy synod of Chalcedon, and persists in these errors until his death: let him be anathema.

Such then are the assertions we confess. We have received them from holy Scripture, from the teaching of the holy fathers, and from the definitions about the one and the same faith made by the aforesaid four holy synods. Moreover, condemnation has been passed by us against the heretics and their impiety, and also against those who have justified or shall justify the so-called “Three Chapters”, and against those who have persisted or will persist in their own error. If anyone should attempt to hand on, or to teach by word or writing, anything contrary to what we have regulated, then if he is a bishop or somebody appointed to the clergy, in so far as he is acting contrary to what befits priests and the ecclesiastical status, let him be stripped of the rank of priest or cleric, and if he is a monk or lay person, let him be anathema.

Constantinople III
⁸⁰681

INTRODUCTION

To make an end of the Monothelite controversy, Emperor Constantine IV asked Pope Donus in 678 to send twelve bishops and four western Greek monastic superiors to represent the pope at an assembly of eastern and western theologians. Pope Agatho, who meanwhile had succeeded Donus, ordered consultation in the west on this important matter. Around Easter 680 a synod in Rome of 125 Italian bishops, with Pope Agatho presiding, assessed the replies of the regional synods of the west and composed a profession of faith in which Monothelitism was condemned. Legates of the pope took this profession to Constantinople, arriving at the beginning of September 680.¹

On 10 September 680 the emperor issued an edict to Patriarch George of Constantinople, ordering a council of bishops to be convoked. The council assembled on 7 November in the hall of the imperial palace in Constantinople. It immediately called itself an ecumenical council. There were 18 sessions, at the first eleven of which the emperor presided.

In the 8th session, on 7 March 681, the council adopted the teaching of Pope Agatho in condemnation of Monothelitism. Patriarch Macarius of Antioch was one of the few who refused his assent; he was deposed in the 12th session.

The doctrinal conclusions of the council were defined in the 17th session and promulgated in the 18th and last session on 16 September 681. The acts of the council, signed both by 174 fathers and finally by the emperor himself, were sent to Pope Leo II, who had succeeded Agatho, and he, when he had approved them, ordered them to be translated into Latin and to be signed by all the bishops of the west. Constantine IV, however, promulgated the decrees of the council in all parts of the empire by imperial edict. The council did not debate church discipline and did not establish any disciplinary canons.²

The Greek and Latin texts given below are taken from Labbe (= LC) 6, 1019-1028. The translation is from the Greek text, since this is the more authoritative version.

BIBLIOGRAPHY: H-L 3, 472-538; Percival 325-353; RE 13 (1903) 409-411; DThC 3 (1908) 1259-1273, 7 (1922) 93-132, 10 (1923) 2307-2323; DHGE 13 (1956) 760-763; LThK 6 (21961) 496-497; NCE 4 (1967) 240-241; HC 2 (1980) 462-463; L. Duchesne, *L'Église au VI^e siècle*, Paris 1925, 391-485; F.X. Murphy and P. Sherwood, *Constantinople II et Constantinople III*, Histoire des conciles 3, Paris 1974; P. Conte, *11 significato del primato papale neipadri del VI concilio ecumenico*, Archivum Historiae Pontificiae, 15 (1977) 7-111.

¹ Msi 11,286-315. On whether Pope Honorius should be condemned, see CSP appendix II, ch. V 25.

² Matters of church discipline, which the councils of Constantinople II and III did not touch, were taken up by the council of Trullo (sometimes called “Quinisext” or “Fifth-Sixth”) which was summoned by Emperor Justinian II in 692. This council issued 102 canons, which have been regarded as decrees of an ecumenical council in eastern canon law; their approval by the pope is disputed. A critical edition of these canons is to be found in CCO 98-241.

TEXT AND TRANSLATION

Ἐκθεσι πίστεω

Terminus

5 Ὁ τοῦ θεοῦ πατὴρ μονογενὴ υἱὸς
 τε καὶ λόγος, ὁ κατὰ πάντα ὅμοιος
 ἡμῖν χωρὶς ἁμαρτίας γενόμενος οὐκ ἄνθρω-
 10 πο, Χριστὸς ὁ ἀληθινὸς θεὸς ἡμῶν,
 ἐν εὐαγγελικαῖς διαπρυσίω ἐκήρυξε
 φωναῖ· Ἐγὼ εἰμι τὸ φῶς τοῦ κόσ-
 μου· ὁ ἀκολουθῶν ἐμοὶ οὐ μὴ περι-
 πατήσῃ ἐν τῇ σκοτίᾳ, ἀλλ' ἐξεῖ το
 15 φῶς τῇ ζωῇ· καὶ πάλιν, Ἐιρήνην
 τὴν ἐμὴν ἀφήμι ὑμῖν, εἰρήνην τὴν
 ἐμὴν δίδωμι ὑμῖν². Ταῦτα τοι τῇ Θεο-
 λέκτῳ τῇ εἰρήνῃ διδασκαλίᾳ Θεο-
 σόφῳ ὁ πρῶτος ἡμῶν βασιλεὺς
 20 ὑδηγούμενος, ὁ τῇ μὲν ὀρθοδοξίᾳ
 ὑπέρμαχος, τῇ δὲ κακοδοξίᾳ ἀντι-
 μαχος, τὴν καθ' ἡμᾶς ἁγίαν ταύτην
 καὶ οἰκουμένην συνάθροισα; ὁμήγου-
 25 ριν, τὸ τῇ ἐκκλησίᾳ ἅπαν ἡνώσε-
 μ σύγκριμα. Ὁθεν ἡ καθ' ἡμᾶς ἁγία
 καὶ οἰκουμένη συνόδος, τὴν ἀπό τι-
 νων καὶ ὧδε χρόνων τῇ δυσσεβείᾳ
 πλάνην πόρρωθεν ἀπελάσασα, καὶ τῇ
 30 τῶν ἁγίων καὶ ἐγκρίτων πατέρων
 ἀπλανῶς εὐθείᾳ τρίβῳ κατακόλουθῆ-
 σασα, ταῖς ἁγίαι καὶ οἰκουμένικαῖς
 πέντε συνόδοις ἐν ἅπασιν εὐσεβῶς συν-
 εφώνησε· φάμεν δὴ τῶν τριακοσίων
 35 δέκα καὶ οκτὼ ἐν Νικαίᾳ συνελθόν-
 των ἁγίων πατέρων κατὰ τοῦ μανιῶ-
 δου Ἀρείου, καὶ τῇ μετ' αὐτὴν ἡ
 Κωνσταντινουπόλει τῶν ἑκατὸν πεν-
 τήκοντα θεοφόρων ἀνδρῶν κατὰ
 40 Μακεδονίου τοῦ πνευματομάχου καὶ
 35 Ἀπολλιναρίου τοῦ δυσσεβοῦς ὁμοίως
 καὶ τῇ ἡ Εἰσέσω τὸ πρότερον κατὰ
 Νεστορίου τοῦ ἰουδαϊοφρόνου συν-
 αγγεγεμένων διακοσίων θεσπεσίων ἀν-
 δρῶν, καὶ τῇ ἐν Χαλκηδόν. τῶν ἑξα-
 45 κοσίων τριάκοντα θεόπνευστων πατέ-
 ρων κατὰ Εὐτυχοῦ καὶ Διοσκορίου
 τῶν θεοστυγῶν· προ ταῦτα καὶ τῇ
 τελευταίᾳ τούτων πέμπτῃ ἁγίᾳ συνό-
 50 δῳ, τῇ ἐνταῦθα συναθροισθείσῃ κατὰ

Unigenitus Dei Patris Filius et Ver-
 bum qui per omnia similis nobis
 absque solo peccato factus est, ho-
 mo Christus verus Deus noster, per
 evangelicas voces flagranter prae-
 dicavit: *Ego sum lux mundi. Qui*
sequitur me non ambulabit in tenebris,
*sed habebit lumen vitae*¹. Et iterum:
Pacem meam relinquo vobis, pacem
*meam do vobis*². Ille proinde divini-
 tus edita pacis doctrina Deo in-
 struente, mansuetissimus noster im-
 perator institutus, propugnator qui-
 dem rectae fidei, expugnator vero
 pravae doctrinae, hoc sanctum uni-
 versale nostrum congregans colle-
 gium, totius ecclesiae adunavit
 compaginem. Unde hoc sanctum
 nostrum universale concilium im-
 pietatis errorem qui nunc usque a
 quibusdam temporibus factus est,
 procul abiiciens, sanctorum autem
 ac probabilium patrum inoffense
 recto tramite iter consecutum,
 sanctis et universalibus quinque
 synodis pie in omnibus consonuit;
 trecentorum, inquit, decem et
 octo sanctorum patrum, qui in
 Nicaeam convenerunt adversus A-
 rium furiosum: et ei, quae a cento
 et quinquaginta a Deo inspiratis
 viris post hanc apud Constantino-
 polim adversus Macedonium im-
 pugnatores Spiritus, et Apolinarem
 impium: similiter et ei, quae in
 Epheso prius adversus Nestorium
 iudaicae intelligentiae, congregata
 est ducentorum venerabilium vi-
 rorum: atque ei, quae in Chalcedone
 sexcentorum triginta Deo inspira-
 torum patrum adversus Eutychem
 et Dioscorum Deo odibiles: super
 has et ultimae harum quintae sanc-

» Io 8,12.

» Io 14, 27.

Exposition of faith

The only Son and Word of God the Father, who became a man like us in all things but sin, Christ our true God, proclaimed clearly in the words of the gospel; *I am the light of the world; anyone who follows me shall not walk in darkness but shall have the light of life*¹, and again, *My peace I leave to you, my peace I give you*². Our most mild emperor, champion of right belief and adversary of wrong belief, guided in godly wisdom by this teaching of peace, spoken by God, has brought together this holy and universal assembly of ours and set at one the whole judgment of the church. Wherefore this holy and universal synod of ours, driving afar the error of impiety which endured for some time even till the present, following without deviation in a straight path after the holy and accepted fathers, has piously accorded in all things with the five holy and universal synods: that is to say, with the synod of 318 holy fathers who gathered at Nicaea against the madman Arius, and that which followed it at Constantinople of 150 God-led men against Macedonius, opponent of the Spirit, and the impious Apollinarius; similarly too, with the first at Ephesus of 200 godly men brought together against Nestorius, who thought as the Jews, and that at Chalcedon of 630 God-inspired fathers against Eutyches and Dioscorus, hateful to God; also, in addition to these, with the fifth holy synod, the

¹ Jn 8, 12. ² Jn 14, 27.

Θεοδώρου τοῦ Μοψουεστία, Ὡριγένειου, Διδύμου τε καὶ Εὐαγγρίου, καὶ τῶν συγγραμμάτων Θεοδώρητου τῶν κατὰ τῶν δώδεκα κεφαλαίων τοῦ ἀοιδίου Κυρίλλου, καὶ τῇ λεγομένῃ Ἰβᾶ ἐπιστολῇ πρὸ Μάρην γεγράφθαι τὸν Πέρσην. Ἀκαινοτόμητα μὲν ἐν πάσι τὰ τῇ εὐσεβείᾳ ἀνανεωσάμενη θεσπίσματα, τὰ βέβηλα δὲ τῇ δυσσεβείᾳ ἐκδιώξασα δόγματα, καὶ τὸ παρὰ τῶν τριακοσίων δέκα καὶ οκτὼ πατέρων ἐκτεθέν, καὶ αὐθι παρὰ τῶν ἑκατὸν πεντήκοντα θεοφρόνῳ βεβαιωθέν, δπερ καὶ αἱ λοιπαὶ ἅγαι σὺνοδοι ἐπ' ἀναιρέσει πάσῃ ψυχοφθόρου αἵρέσεω ἀσπασίῳ ἐδέξαντο καὶ ἐπεκύρωσαν σύμβολον, καὶ ἡ καθ' ἡμᾶ ἅγια καὶ οἰκουμενικὴ θεοπνεύστῳ ἐπεσφράγισε σὺνοδο.

Πιστεύομεν εἰ ἓνα θεόν . . -1'

Ἡ ἅγια καὶ οἰκουμενικὴ σὺνοδο εἶπεν

"Ἦρκει μὲν εἰ ἐντελὴ τῇ ὀρθόδοξῳ πίστει ἐπίγνωσιν τε καὶ βεβαίωσιν τὸ εὐσεβὲ καὶ ὀρθόδοξον τοῦτο τῇ θεῷ χάριτι σύμβολον· ἀλλ' ἐπεὶ οὐκ ἐπαύσατο ἀρχήθεν τῇ κακίᾳ ὁ εφευρέτης, συνεργὸν τὸν δφιν εὐράμενο καὶ δι' αὐτοῦ τὸν ἰοβόλον τῇ ἀνθρωπείᾳ φύσει προσάγομενο θάνατον, οὕτω καὶ νῦν ὄργανα πρὸ τῆς οἰκείας αὐτοῦ βούλησιν εὐρηκῶ ἐπιτήδεια, Θεόδωρόν φαμεν τὸν γενόμενον τῇ Φαράν ἐπίσκοπον, Σέργιον, Πύρρον, Παύλον, Πέτρον, τοῦ γενομένου προέδρου τῇ βασιλευούσῃ τούτῃ πόλει, ἐτι δὲ καὶ Ὀνώριον τὸν γενόμενον πάπαν τῇ πρεσβυτέρᾳ Ῥώμῃ 2, Κύρον τὸν Ἀλεξανδρείᾳ ἐπισκοπησαντα, Μακάριον τε τὸν Ἀντιόχεια προσεχῶ γενόμενον πρόεδρον καὶ Στέφανον τὸν

tac synodo, quae hic congregata est adversus Theodorum Mopsuestenum, Origenem, Didymum et Evagrium, et scripta Theodoretī adversus duodecim capitula laudabilis Cyrilli, et epistolam quae dicitur Ibae ad Marim Persam scriptam, immutatas quidem in omnibus pietatis renovans sanctiones, profanas vero impietatis expellens doctrinas: et id quod est a trecentis decem et octo patribus editum, et dehinc a centum et quinquaginta Deo instituyente confirmatum est, quod etiam ceterae sanctae synodi ad extinguendam omnem pestiferam haeresim alacriter susceperunt et confirmaverunt symbolum, et hoc nostrum sanctum et universale a Deo inspiratum consignavit concilium.

Credimus in unum Deum . . .*

Sanctum et universale concilium dixit:

Sufficiebat quidem ad perfectam orthodoxae fidei cognitionem atque confirmationem pium atque orthodoxum hoc divinae gratiae symbolum. Sed quoniam non destitit ab exordio adinventor malitiae cooperatorem sibi serpentem inveniēns, et per eum venenosam humanae naturae deferens mortem, ita et nunc organa ad propriam sui voluntatem apta reperiens, Theodorum dicimus qui fuerat episcopus Pharan, Sergium, Pyrrhum, Paulum, Petrum, qui fuerunt huius regiae urbis antistites, insuper et Honorium qui fuit papa antiquae Romae², et Cyrum qui Alexandriae tenuit episcopatum, Macarium quoque qui nuper fuerat Antiochiae praesul, et Stephanum eius discipulum, non cessavit per

¹ Symbolum Nicaenum et deinde symbolum Constantinopolitanum (v. supra pp. 5, 24).

² Haec damnatio, cuius rationes actione decimatertia expressae erant (Kirch 1082-1084), magnam famam habuit et multas oppositiones suscitavit, cf. H-L 3/1, 502 et 515-538.

latest of them, which was gathered here against Theodore of Mopsuestia, Origen, Didymus and Evagrius, and the writings of Theodoret against the twelve chapters of the renowned Cyril, and the letter said to have been written by Ibas to Mari the Persian. Reaffirming the divine tenets of piety in all respects unaltered, and banishing the profane teachings of impiety, this holy and universal synod of ours has also, in its turn, under God's inspiration, set its seal on the creed which was made out by the 318 fathers and confirmed again with godly prudence by the 150 and which the other holy synods too accepted gladly and ratified for the elimination of all soul-corrupting heresy.

We believe in one God ...'

The holy and universal synod said:

This pious and orthodox creed of the divine favour was enough for a complete knowledge of the orthodox faith and a complete assurance therein. But since, from the first, the contriver of evil did not rest, finding an accomplice in the serpent and through him bringing upon human nature the poisoned dan of death, so too now he has found instruments suited to his own purpose—namely Theodore, who was bishop of Pharan, Sergius, Pyrrhus, Paul and Peter, who were bishops of this imperial city, and further Honorius, who was pope of elder Rome¹, Cyrus, who held the see of Alexandria, and Macarius, who was recently bishop of Antioch, and his disciple Stephen — and has not been idle in raising

¹ The Nicene creed and then the creed of Constantinople (see above pp. 5 and 24).

² This condemnation, the reasons for which were given in the thirteenth session (Kirch 1082-1084), achieved great notoriety and aroused much opposition, see H-L 3/1, 502 and 515-538.

τούτου μαθητήν, οὐκ ἡργησε δι*
 αυτών τῷ τη ἐκκλησίᾳ πληρώ-
 μάτι τη πλάνη ἐπεγείρειν τὰ σκάν-
 δαλα, ἐνὸ θελήματι καὶ μια
 5 ἐνεργείᾳ ἐπὶ τῶν δύο φύσεων τοῦ
 ἐνὸ τη αγία τριάδο Χριστοῦ τοῦ
 ἀληθινοῦ θεοῦ ἡμῶν τῷ ὀρθοδόξῳ
 λαῷ καινοφώνῳ ἐνσπείρα τὴν αἵρε-
 σιν, τη Ἀπολλιναρίου, Σεβήρου καὶ
 10 Θεμιστίου τῶν δυσσεβῶν φρενο-
 βλαβεῖ κακοδοξία συνάδουσιν, καὶ
 τὸ τέλειον τη ἐνανθρωπήσει τοῦ
 αὐτοῦ ἐνὸ κυρίου Ἰησοῦ Χριστοῦ
 τοῦ θεοῦ ἡμῶν ἀναιρεῖν διὰ τινος
 15 δολερᾶ ἐπινοίας σπουδάσασαν, ἀθέ-
 λητον ἐντεῦθεν καὶ ἀνενέργητον τὴν
 νοερῶ ἐψυχωμένην αὐτοῦ σάρκα
 δυσφήμῳ εἰσάγουσαν.

Ἐξήγειρε τοίνυν Χριστὸς ὁ θεὸς
 20 ἡμῶν τὸν πιστὸν βασιλέα, τὸν νέον
 Δαυίδ, ἄνδρα κατὰ τὴν ἑαυτοῦ
 καρδίαν¹ εὐρηκῶς - ὃ οὐκ ἔδωκε,
 κατὰ τὸ γεγραμμένον, ὕπνον τοῖ
 ὀφθαλμοῖ αὐτοῦ, καὶ τοῖ βλεφάροι
 25 αὐτοῦ νυσταγμόν², ἕως οὗ διὰ τὴν
 καθ' ἡμᾶς θεοσυλλεκτοῦ ταύτης καὶ
 ἱερα ὁμηγύρεω τὸ τη ὀρθοδοξία
 ἦρε τέλειον κήρυγμα³ κατὰ γὰρ
 τὴν θεόλεκτον φωνήν, ὅπου εἰσὶ δύο
 30 ἢ τρεῖς ἐπὶ τῷ ἐμῷ ὀνόματι συνηγ-
 μένοι, ἐκεῖ εἰμι ἐν μέσῳ αὐτῶν⁴.

Ἦτι παρούσα αγία καὶ οἰκουμε-
 νική σύνοδος πιστῶς δεξαμένη καὶ
 ὑπταί χερσὶν ἀσπασαμένη τὴν τε τοῦ
 35 ἁγιωτάτου καὶ μακαριωτάτου πάπα
 τῆ πρεσβυτέρου Ῥώμης Ἀγάθωνος
 γενομένην ἀναφορὰν πρὸς τὸν
 εὐσεβέστατον καὶ πιστότατον ἡμῶν
 βασιλέα Κωνσταντῖνον, τὴν ἀποβα-
 40 λομένην ὀνομαστικῶς τοῦ κηρύττοντα
 καὶ διδάξαντα, ὡς προδηλώται,
 ἐν θελήματι καὶ μία⁵; ἐνεργείαν ἐπὶ
 τῇ ἐνσάρκου οικονομίᾳ Χριστοῦ τοῦ
 ἀληθινοῦ θεοῦ ἡμῶν ὡσαύτως δὲ
 45 προσηκαμένη καὶ τὴν ἐκ τῆ ὑπὸ τὸν

eos plenitudini ecclesiae erroris
 scandala suscitare, unius voluntatis
 et unius operationis in duabus na-
 turis unius de sancta Trinitate, Chri-
 sti veri Dei nostri, orthodoxae plebi
 novissime disseminando haeresim,
 consentaneam insanae ac malitio-
 sae sectae impiorum Apollinaris,
 Severi atque Themistii; quae et per-
 fectionem humanitatis unius eius-
 demque domini Iesu Christi Dei
 nostri, molita est per quandam do-
 losam adinventionem perimere, per
 hoc involuntariam et inoperatricem
 carnem eius, quae intellectualiter
 animata est, insaniter introducens.

Excitavit igitur Christus Deus
 noster fidelissimum imperatorem
 novum David, *virum secundum cor-
 suum*¹ inveniens qui *non dedit*, iuxta
 quod scriptum est, *somnum oculis suis
 et palpebris suis dormitationem*², donec
 per hunc nostrum a Deo congrega-
 tum sacrumque conventum ipsam
 rectae fidei reperit perfectam prae-
 dicationem; secundum enim a Do-
 mino editam vocem, *ubi duo vel tres
 fuerint congregati in nomine meo, ibi
 sum in medio eorum*².

Quae praesens sancta et univer-
 salis synodus fideliter suscipiens et
 expansis manibus amplectens, tam
 suggestionem quae a sanctissimo ac
 beatissimo Agathone papa antiquae
 Romae facta est ad Constantinum
 piissimum atque fidelissimum no-
 strum imperatorem, quae nomina-
 tim abiecit eos, qui docuerunt vel
 praedicaverunt, sicut superius dic-
 tum est, unam voluntatem et unam
 operationem in incarnationis dis-
 pensatione domini nostri Iesu Chri-
 sti veri Dei nostri; adaeque amplexa

¹ Ac 13,22. » Ps 131, 4. ² Mt 18, 20.

through them obstacles of error against the full body of the church, sowing with novel speech among the orthodox people the heresy of a single will and a single principle of action in the two natures of the one member of the holy Trinity, Christ our true God, a heresy in harmony with the evil belief, ruinous to the mind, of the impious Apollinarius, Severus and Themistius, and one intent on removing the perfection of the becoming man of the same one lord Jesus Christ our God, through a certain guileful device, leading from there to the blasphemous conclusion that his rationally animate flesh is without a will and a principle of action.

Therefore Christ our God has stirred up the faithful emperor, the new David, finding in him *a man after his own heart*¹, who, as the scripture says, *did not allow his eyes sleep or his eyelids drowsing*² until through this holy assembly of ours, brought together by God, he found the perfect proclamation of right belief; for according to the God-spoken saying, *Where there are two or three gathered in my name, there am I in their midst*³.

This same holy and universal synod, here present, faithfully accepts and welcomes with open hands the report of Agatho, most holy and most blessed pope of elder Rome, that came to our most reverend and most faithful emperor Constantine, which rejected by name those who proclaimed and taught, as has been already explained, one will and one principle of action in the incarnate dispensation of Christ our true God; and likewise it approves as well the other

¹ Ac 13, 22. ² Ps 131, 4. ³ Mt 18, 20.

αὐτὸν ἀγιώτατον πάπαν ἱερά συν-
 ὁδου τῶν ἑκατὸν εἴκοσι πέντε Θεοφι-
 λῶν ἐπισκόπων ἑτέραν συνοδικήν
 ἀναφορὰν προ τήν αὐτοῦ θεόσοφον
 γαληνότητα, οἷα τε συμφωνοῦσα τῇ
 τε αγία ἐν Καλχηδόνι συνόδῳ καί τῳ
 τόμῳ τοῦ πανιέρου καὶ μακαριωτάτου
 πάπα τῇ αὐτῇ πρεσβυτέρᾳ *Ρώμῃ
 Λέοντο, τῳ σταλεντι πρὸ Φλαβιανόν
 τὸν ἐν ἀγίοι, δν καὶ στήλην ὀρθοδο-
 ξία ἡ τοιαύτη σύνοδο ἀπεκάλεσεν'
 ἐτι μὴν καὶ ταῖ συνοδικαῖ ἐπιστο-
 λαι ταῖ γράφεισαι παρὰ τοῦ μακα-
 ρίου Κυρίλλου κατὰ Νεστορίου τοῦ
 δυσσεβοῦ καὶ πρὸ τοῦ τῇ ἀνατολῇ
 ἐπισκόπου.

Επομένη τε ταῖ τε αγίαι καὶ
 οἰκουμενικαῖ πέντε συνόδοι, καὶ
 τοῖ ἀγίοι καὶ ἐκκρίτοι πατράσι,
 καὶ συμφώνῳ ὀρίζουσα ὁμολογεῖ
 τὸν κύριον ἡμῶν Ἰησοῦν Χριστὸν τὸν
 ἀληθινὸν θεὸν ἡμῶν, τὸν ἕνα τῇ
 αγία, ὁμοουσίῳ καὶ ζωαρχικῇ
 τριάδῳ τέλειον ἐν θεότητι καὶ τέλειον
 τὸν αὐτὸν ἐν ἀνθρωπότητι θεὸν
 ἀληθῶ καὶ ἀνθρωπον ἀληθῶ τὸν
 αὐτὸν ἐκ ψυχῇ λογικῇ καὶ σώματι
 ὁμοούσιον τῳ πατρὶ κατὰ τὴν θεότητα
 καὶ ὁμοούσιον ἡμῖν τὸν αὐτὸν κατὰ
 τὴν ἀνθρωπότητα κατὰ πάντα ὁμοιον
 ἡμῖν χωρὶ ἁμαρτία¹ τὸν πρό
 αἰώνων μὲν ἐκ τοῦ πατρὸς γεννηθέντα
 κατὰ τὴν θεότητα, ἐπ' ἐσχάτων δέ
 τῶν ἡμερῶν τὸν αὐτὸν δι' ἡμῖν καὶ
 διὰ τὴν ἡμετέραν σωτηρίαν ἐκ πνεύ-
 ματος αγίου καὶ Μαρίας τῇ παρ-
 θένου, τῇ κυρίῳ καὶ κατὰ ἀλήθειαν
 Θεοτόκου, κατὰ τὴν ἀνθρωπότητα
 ἕνα καὶ τὸν αὐτὸν Χριστὸν, υἱόν,
 κύριον, μονογενή, ἐν δύο φύσεσιν
 ἀσυγχύτῳ, ἀτρέπτῳ, ἀχωρίστῳ,
 ἀδιαιρέτῳ γνωριζόμενον¹ οὐδαμοῦ
 τῇ τῶν φύσεων διαφορᾷ ἀνηρημένη
 διὰ τὴν ἐνῶσιν, σωζομένη δέ μᾶλλον

est et alteram synoclaem suggestio-
 nem, quae missa est a sacro con-
 cilio quod est sub eodem sanctissi-
 mo papa centum viginti quinque
 Deo amabilium episcoporum, ad
 eius a Deo instructam tranquilli-
 tatem, utpote consonantes sancto
 Chalcedonensi concilio et tomo
 sanctissimi ac beatissimi papae
 eiusdem antiquae Romae Leonis,
 qui directus est ad sanctum Flavia-
 num, quem et columnam rectae fidei
 huiusmodi synodus appellavit; ad
 haec et synodicis epistolis, quae
 scriptae sunt a beato Cyrillo adver-
 sus impium Nestorium, et ad orien-
 tales episcopos.

Assecuti quoque sancta quinque
 universalia concilia et sanctos atque
 probabiles patres, consonanterque
 definiens confitetur, dominum no-
 strum Iesum Christum verum Deum
 nostrum, unum de sancta et consub-
 stantiali et vitae originem praebente
 Trinitate, perfectum in deitate et
 perfectum eundem in humanitate,
 Deum vere et hominem vere, eun-
 dem ex anima rationali et corpo-
 re; consubstantialem Patri secun-
 dum deitatem, et consubstantialem
 nobis secundum humanitatem, per
 omnia similem nobis absque pecca-
 to, ante saecula quidem ex Patre ge-
 nitum secundum deitatem, in ulti-
 mis diebus autem eundem propter
 nos et propter nostram salutem de
 Spiritu sancto et Maria virgine pro-
 prie et veraciter Dei genitrice se-
 cundum humanitatem, unum eun-
 demque Christum Filium Dei uni-
 genitum, in duabus naturis incon-
 fuse, inconvertibiliter, inseparabi-
 liter, indivise cognoscendum, nus-
 quam extincta harum naturarum
 differentia propter unionem, salva-

¹ Cf. Hcb 4,15.

synodal report to his God-taught serenity, from the synod of 125 bishops dear to God meeting under the same most holy pope, as according with the holy synod at Chalcedon and with the Tome of the all-holy and most blessed Leo, pope of the same elder Rome, which was sent to Flavian, who is among the saints, and which that synod called a pillar of right belief, and furthermore with the synodal letters written by the blessed Cyril against the impious Nestorius and to the bishops of the east.

Following the five holy and universal synods and the holy and accepted fathers, and defining in unison, it professes our lord Jesus Christ our true God, one of the holy Trinity, which is of one same being and is the source of life, to be perfect in divinity and perfect in humanity, the same truly God and truly man, of a rational soul and a body; consubstantial with the Father as regards his divinity, and the same consubstantial with us as regards his humanity; like us in all respects except for sin¹; begotten before the ages from the Father as regards his divinity, and in the last days the same for us and for our salvation from the holy Spirit and the virgin Mary, who is properly and truly called mother of God, as regards his humanity; one and the same Christ, Son, Lord, only-begotten, acknowledged in two natures which undergo no confusion, no change, no separation, no division; at no point was the difference between the natures taken away through the union, but rather the property of both natures is preserved

¹ See Heb 4, 15.

τη ιδιότητα ἑκατέρα φύσεω , καὶ
εἰ ἐν πρόσωπον καὶ μίαν ὑπόστασιν
συντρεχούση ' οὐκ εἰ δύο πρόσωπα
μεριζόμενον ἢ διαιρούμενον, ἀλλ'
5 ἓνα καὶ τὸν αὐτὸν υἱὸν μονογενή,
θεοῦ λόγον, κύριον Ἰησοῦν Χριστόν,
καθάπερ ἄνωθεν οἱ προφῆται περὶ
αὐτοῦ, καὶ αὐτὸ ἡμεῖς Ἰησοῦ ὁ
Χριστὸς ἐξεπαίδευσε, καὶ τὸ τῶν
10 ἁγίων πατέρων ἡμῖν παραδέδωκε
σύμβολον.

Καὶ δύο φυσικὸ θελήσει ἦτοι
θελήματα ἐν αὐτῷ, καὶ δύο φυσικὸ
ἐνεργεῖα ἀδιαιρέτω , ἀτρέπτω ,
15 ἀμερίστω , ἀσυγχύτω κατὰ τὴν τῶν
ἁγίων πατέρων διδασκαλίαν ὡσαύτω
κηρύττομεν. Καὶ δύο μὲν φυσικὰ
θελήματα οὐχ ὑπεναντία, μὴ γένοιτο,
καθὼ οἱ ἄσεβεῖς ἔφησαν αἰρετικοί,
20 ἀλλ' ἐπόμενον τὸ ἀνθρώπινον αὐτοῦ
θέλημα καὶ μὴ ἀντιπίπτον ἢ ἀντιπα-
λαῖον, μάλλον μὲν οὖν καὶ ὑποτασ-
σόμενον τῷ θεῷ αὐτοῦ καὶ πανσθε-
νεῖ θελήματι ἐδει γὰρ τὸ τῇ σαρκὶ
25 θέλημα κινηθῆναι, ὑποταγῆναι δὲ τῷ
θελήματι τῷ θεϊκῷ, κατὰ τὸν πάνσο-
φον Ἀθανάσιον¹, ὡς περ γὰρ ἡ αὐτοῦ
σὰρξ σὰρξ τοῦ θεοῦ λόγου λέγεται καὶ
ἐστίν, οὕτω καὶ τὸ φυσικὸν τῇ
30 σαρκὶ αὐτοῦ θέλημα ἴδιον τοῦ θεοῦ
λόγου λέγεται καὶ ἐστίν, καθά-
φησιν αὐτὸ ' ὅτι 'καταβέβηκα ἐκ τοῦ
οὐρανοῦ, οὐχ ἵνα ποιῶ τὸ θέλημα τὸ
ἐμὸν, ἀλλὰ τὸ θέλημα τοῦ πέμψαντός
35 με πατρὸς '2' ἴδιον λέγων θέλημα
αὐτοῦ τὸ τῇ σαρκὶ , ἐπεὶ καὶ ἡ σὰρξ
Ἰδία αὐτοῦ γέγονεν' ὃν γὰρ τρόπον ἡ
παναγία καὶ ἄμωμο ἐψυχωμένη
αὐτοῦ σὰρξ θεωθεῖσα οὐκ ἀνηρέθη,
40 ἀλλ' ἐν τῷ Ἰδίῳ αὐτῇ ὄρω τε καὶ
λόγῳ διέμεινεν, οὕτω καὶ τὸ ἀνθρώ-
πινον αὐτοῦ θέλημα θεωθέν οὐκ
ἀνηρέθη, σέσωσται δὲ μάλλον, κατὰ
τὸν θεολόγον Γρηγόριον λέγοντα'

taque magis proprietate utriusque
naturae, et in unam personam et in
unam subsistentiam concurrente,
non in duas personas partitum vel
divisum, sed unum eundemque
unigenitum Filium Deum Verbum
dominum Iesum Christum, iuxta
quod olim prophetae de eo et ipse
nos dominus Iesus Christus erudi-
vit, et sanctorum patrum nobis tra-
didit symbolum.

Et duas naturales voluntates in
eo, et duas naturales operationes
indivise, inconvertibiliter, insepara-
biliter, inconfuse secundum sanc-
torum patrum doctrinam adaeque
praedicamus; et duas naturales vo-
luntates non contrarias, absit, iuxta
quod impii asseruerunt haeretici,
sed sequentem eius humanam vo-
luntatem, et non resistantem vel re-
luctantem, sed potius subiectam
divinae eius atque omnipotenti
voluntati. Oportebat enim carnis
voluntatem moveri, subiici vero
voluntati divinae, iuxta sapientissi-
mum Athanasium¹; sicut enim eius
caro, caro Dei Verbi dicitur et est,
ita et naturalis carnis eius voluntas
propria Dei Verbi dicitur et est,
sicut ipse ait: *Quia descendi de caelo,*
non ut faciam voluntatem meam, sed
*eius qui misit me Patris*², suam pro-
priam dicens voluntatem, quae erat
carnis eius. Quemadmodum enim
sanctissima atque immaculata ani-
mata eius caro deificata non est
perempta, sed in proprio sui statu et
ratione permansit, ita et humana eius
voluntas deificata, non est perempta,
salvata est autem magis secundum
deiloquum Gregorium dicentem:
„Nam illius velle, quod in Salvatore
intelligitur, non est contrarium Deo

¹ Athanasius, in illud „Nunc anima mea turbata est“ (tractatus deperditus) cf. PG 25, XXVII. ² Io 6, 38.

and comes together into a single subsistent being; he is not parted or divided into two persons, but is one and the same only-begotten Son, Word of God, lord Jesus Christ, just as the prophets taught from the beginning about him, and as Jesus the Christ himself instructed us, and as the creed of the holy fathers handed it down to us.

And we proclaim equally two natural volitions or wills in him and two natural principles of action which undergo no division, no change, no partition, no confusion, in accordance with the teaching of the holy fathers. And the two natural wills not in opposition, as the impious heretics said, far from it, but his human will following, and not resisting or struggling, rather in fact subject to his divine and all powerful will. For the will of the flesh had to be moved, and yet to be subjected to the divine will, according to the most wise Athanasius¹. For just as his flesh is said to be and is flesh of the Word of God, so too the natural will of his flesh is said to and does belong to the Word of God, just as he says himself: *I have come down from heaven, not to do my own will, but the will of the Father who sent me*², calling his own will that of his flesh, since his flesh too became his own. For in the same way that his all holy and blameless animate flesh was not destroyed in being made divine but remained in its own limit and category, so his human will as well was not destroyed by being made divine, but rather was preserved, according to the theologian Gregory, who says: “For his willing,

¹ Athanasius on the text “now my spirit is troubled” (a lost tract), see PG 25, XXVII.

² Jn 6, 38.

‘ το γάρ εκείνου, θέλιν τοῦ κατὰ τὸν σωτήρα νοοῦμενου οὐδέ ὑπεναντίον θεῷ, θεωθέν δλον.’¹ Δύο δέ φυσικά ἐνεργεία ἀδιαίρετω, ἀτρέπτω, ἀμερίστω, ἀσυγχύτω ἐν αὐτῷ τῷ κυρίῳ ἡμῶν Ἰησοῦ Χριστῷ τῷ ἀληθινῷ θεῷ ἡμῶν δοξαζόμεν, τουτέστι θείαν ἐνεργείαν καὶ ἀνθρωπίνην ἐνεργείαν, κατὰ τὸν θεηγόρον Λέοντα τρανέστατα φάσκοντα’ ‘ ἐνεργεῖ γάρ ἑκατέρα μορφή μετὰ τῇ θατέρου κοινωνία δπερ ἰδίων ἐσχηκε, τοῦ μὲν λόγου κατεργαζομένου τοῦτο, δπερ ἐστὶ τοῦ λόγου, τοῦ δέ σώματος ἐκτελοῦντο ἀπερ ἐστὶ τοῦ σώματος.’² Οὐ γάρ δήπου μίαν δώσομεν φυσικὴν τὴν ἐνεργείαν θεοῦ καὶ ποιήματος, ἵνα μήτε τὸ ποιηθέν εἰ τὴν Θεῖαν ἀναγάγωμεν οὐσίαν, μήτε μὴν τῇ Θεῖα φύσει τὸ ἐξαίρετον εἰ τὸν τοῖ γεννητοῖ πρέποντα καταγάγωμεν τόπον’ ἐνὸ γάρ καὶ τοῦ αὐτοῦ τὰ τε θαύματα καὶ τὰ πάθη γινώσκουμεν κατ’ ἄλλο καὶ ἄλλο τῶν ἐν ὧν ἐστὶ φύσεων καὶ ἐν αἷ τὸ εἶναι ἔχει, ὡς ὁ θεσπέσιος εἶπε Κύριλλος. Πάντοθεν γοῦν τὸ ἀσύγχυτον καὶ ἀδιαίρετον φυλάττοντε, συντόμῳ φωνῇ τὸ παν ἐξαγγέλλομεν” ἐνα τῇ αγία τριάδι καὶ μετὰ τὴν σάρκωσιν τὸν κύριον ἡμῶν Ἰησοῦν Χριστόν τὸν ἀληθινόν θεόν ἡμῶν εἶναι πιστεύοντε, φαμέν δύο αὐτοῦ τὰ φύσει ἐν τῇ μια αὐτοῦ διαλαμπούσα ὑποστάσει, ἐν ἡ τὰ τε θαύματα καὶ τὰ παθήματα δι’ ἃ αὐτοῦ τῇ οικονομικῇ ἀναστροφῇ οὐ κατὰ φαντασίαν, ἀλλὰ ἀληθῶς ἐπεδείξατο, τῇ φυσικῇ ἐν αὐτῇ τῇ μια ὑποστάσει διαφορά γνωριζομένη τῷ μετὰ τῇ θατέρου κοινωνία ἑκατέραν φύσιν θέλιν τε καὶ ἐνεργεῖν τὰ ἴδια’ καθ’ ὃν δὴ λόγον καὶ δύο φυσικά θελήματα τε καὶ ἐνεργεία δοξαζόμεν προ σωτηρίαν

deincatum totum/41 Duae vero naturales operationes indivise, inconvertibiliter, inconfuse, inseparabiliter in eodem domino nostro Iesu Christo vero Deo nostro asserimus, 5 hoc est divinam operationem et humanam operationem, secundum divinum praedicatorem Leonem, apertissime asserentem: „Agit enim utraque forma cum alterius communione quod proprium est, Verbo scilicet operante quod Verbi est et carne exsequente quod carnis est.“² Nec enim profecto unam dabimus naturalem operationem Dei et creaturae, ut neque quod creatum est in divinam educamus essentiam, neque quod eximium est divinae naturae ad competentem creaturae locum deliciamus. Unius enim eiusdemque tam miracula, quamque 10 passiones cognoscimus secundum aliud et aliud earum ex quibus est naturarum et in quibus habet esse, sicut admirabilis inquit Cyrillus. 25 Undique igitur inconfusum atque indivisum conservantes, brevi voce cuncta proferimus: unum sanctae Trinitatis, et post incarnationem dominum nostrum Iesum Christum 35 verum Deum nostrum esse credentes, asserimus duas eius esse naturas in una eius radiantes subsistentia, in qua tam miracula quamque passiones per omnem sui dispensativam conversationem, non per phantasiam, sed veraciter demonstravit, ob naturalem differentiam in eadem una subsistentia cognoscendam, 40 dum cum alterius communione utraque natura indivise et inconfuse propria vellet atque operaretur; iuxta quam rationem et duas naturales voluntates et operationes con-

¹ Gregorius Naz., *Oratio XXX*, 12 (PG 36, 117).

² Leo I, *Tomus ad Flavianum* (Msi 5,1375-1378).

when he is considered as saviour, is not in opposition to God, being made divine in its entirety.”¹ And we hold there to be two natural principles of action in the same Jesus Christ our lord and true God, which undergo no division, no change, no partition, no confusion, that is, a divine principle of action and a human principle of action, according to the godly-speaking Leo, who says most clearly: “For each form does in a communion with the other that activity which it possesses as its own, the Word working that which is the Word’s and the body accomplishing the things that are the body’s”.² For of course we will not grant the existence of only a single natural principle of action of both God and creature, lest we raise what is made to the level of divine being, or indeed reduce what is most specifically proper to the divine nature to a level befitting creatures; for we acknowledge that the miracles and the sufferings are of one and the same, according to one or the other of the two natures out of which he is and in which he has his being, as the admirable Cyril said. Therefore, protecting on all sides the “no confusion” and “no division”, we announce the whole in these brief words: Believing our lord Jesus Christ, even after his incarnation, to be one of the holy Trinity and our true God, we say that he has two natures shining forth in his one subsistence in which he demonstrated the miracles and the sufferings throughout his entire providential dwelling here, not in appearance but in truth, the difference of the natures being made known in the same one subsistence in that each nature wills and performs the things that are proper to it in a communion with the other; then in accord with this reasoning we hold that two natural

¹ Gregory of Nazianzen, *Oratio XXX (Oration 30)*, 12 (PG 36, 117).

² Leo I, *Tomus ad Flavianum (Tome to Flavian)* (Msi 5, 1375—1378; see above p, 79).

τοῦ ἀνθρωπίνου γένου καταλλήλως
συντρέχοντα.

Τούτων τοίνυν μετὰ πάσῃ παν-
ταχόθεν ἀκριβείᾳ τε καὶ ἐμμελείᾳ
s παρ' ἡμῶν διατυπωθέντων, ὀρίζομεν
ἐτέραν πίστιν μηδενὶ ἐξεῖναι προφέ-
ρειν, ἡγουν συγγράφειν ἢ συντιθέναι
ἢ φρονεῖν ἢ διδάσκειν ἑτέρου · τοῦ
δὲ τολμώντα ἢ συντιθέναι ἢ πίστιν
io ἐτέραν ἢ προκομίζειν ἢ διδάσκειν ἢ
παραδιδόναι ἑτερον σύμβολον τοῖ
ἐθέλουσιν ἐπιστρέφειν εἰ ἐπίγνωνσιν
τῇ ἀληθείᾳ ἐξ ἐλληνισμοῦ ἢ ἐξ
ιουδαϊσμοῦ ἢ γοῦν ἐξ αἱρέσεως
15 οἰασοῦν, ἢ καινοφωνίαν, ἢ τοι λέξεω
ἐφεύρεσιν πρὸ ἀνατροπὴν εἰσάγειν
τῶν νυνὶ παρ' ἡμῶν διορισθέντων*
τούτου, εἰ μὲν ἐπίσκοποι εἶεν ἢ
κληρικοί, ἀλλοτρίου εἶναι τοῦ ἐπι-
20 σκόπου τῇ ἐπισκοπῇ καὶ τοῦ κλη-
ρικοῦ τοῦ κλήρου· εἰ δὲ μονάζοντες
εἶεν ἢ λαϊκοί, ἀναθεματίζεσθαι αὐτοῦ.

litemur, ad salutem humani generis
convenienter in eo concurrentes.

His igitur cum omni undique cau-
tela atque diligentia a nobis forma-
tis, definimus aliam fidem nulli licere
proferre aut conscribere, compone-
re aut sapere, ^el etiam aliter do-
cere. Qui vero praesumpserint fidem
alteram componere vel proferre vel
docere vel tradere aliud symbolum
volentibus converti ad agnitionem
veritatis ex gentilitate vel iudaismo
aut ex qualibet haeresi; aut qui no-
vitatem vocis vel dictionis adinven-
tionem ad subversionem eorum
quae nunc a nobis determinata sunt
introducere; hos si quidem episcopi
fuerint aut clerici, alienos esse, epi-
scopos quidem ab episcopatu, cleri-
cos vero a clero; sin autem monachi
fuerint, vel laici, etiam anathemati-
zari eos.

wills and principles of action meet in correspondence for the salvation of the human race.

So now that these points have been formulated by us with all precision in every respect and with all care, we definitely state that it is not allowable for anyone to produce another faith, that is, to write or to compose or to consider or to teach others; those who dare to compose another faith, or to support or to teach or to hand on another creed to those who wish to turn to knowledge of the truth, whether from Hellenism or Judaism or indeed from any heresy whatsoever, or to introduce novelty of speech, that is, invention of terms, so as to overturn what has now been defined by us, such persons, if they are bishops or clerics, are deprived of their episcopacy or clerical rank, and if they are monks or layfolk they are excommunicated.

Nicaea II

787

INTRODUCTION

A recommendation to summon an ecumenical council, in order to correct the iconoclast heretics¹, had been addressed to Empress Irene, then acting as regent for her son Emperor Constantine VI (780-797) who was still a minor, both by Patriarch Paul IV of Constantinople (who had repented of his earlier iconoclast views) before his abdication from the see in 784 and by his successor as patriarch, Tarasius. The aim was to unite the church and to condemn the decrees passed by the council of 338 bishops held at Hiereia and St Mary of Blachernae in 754*.

The convocation of the council was announced to Pope Hadrian I (772-795) in a letter of Constantine VI and Irene, dated 29 August 784³. They urged him either to attend in person or to send legates. Patriarch Tarasius sent the same message in synodal letters to the pope and the three eastern patriarchs⁴. Pope Hadrian I gave his approval for the convocation of the council, stipulating various conditions, and sent as his legates the archpriest Peter and Peter, abbot of the Greek monastery of St Sabas in Rome.

The council, which was summoned by an imperial edict in the summer of 786, met for the first time on 1 August 786, in the presence of Emperor Constantine and Empress Irene. When the proceedings were interrupted by the violent entry of iconoclast soldiers, faithful to the memory of Emperor Constantine V (741–775), the council was adjourned until the arrival of a reliable army under Staurakios. It assembled again at Nicaea on 24 September 787, the papal legates having been recalled from Sicily.

After the bishops suspected of heresy had been admitted, 263 fathers embraced the doctrine concerning the cult of sacred images as explained in the letters of Pope Hadrian I, which were read out at the second session. The question of the intercession of saints was dealt with in the fourth session. Once all these matters had been approved, a doctrinal definition was decreed at the seventh session⁵. At the eighth and last session, which was held at the request of Constantine and Irene in the Magnaura palace in Constantinople, the definition was again decreed and proclaimed and 22 canons were read out. The papal legates presided over the council and were the first to sign the acts; but in reality it was Patriarch Tarasius who presided, and it was he, at the command of the

¹ See G. Ostrogorsky, *Studien zur Geschichte des byz. Bilderstreites*, Breslau 1929; E. J. Martin, *A History of the Iconoclastic Controversy*, London 1930; Δ. Α. Ζακυθινό, Σκέψβι τινέ -επι βίκοῖτομαχάι, Ἐυχαριστήριον (Mélanges A. Alibizatos), Athens 1958, 90-102; G. Dumeige, *Nicée II*, Paris 1978, 17-98.

³ Sec H-L 3, 693-704; Grumel 345.

⁵ Sec Dölger 341 and 343.

⁴ See Grumel 351 and 352.

⁵ For this definition (see below pp. 133-138) we have used the edition in Msi (13, 373-380), together with the subsequent anathemas (ibid., 415-416) which were promulgated in the 8th session.

council, who informed Pope Hadrian I about it: “the occasion when the letters of your fraternal holiness were read out and all acclaimed them”⁶.

Pope Hadrian I wrote no letter in reply, yet the defence he made of the council in 794 against Charlemagne shows that he accepted what the council had decreed, and that he had sent no acknowledgement because the concessions which he had requested in his letter of 26 October 785 to Constantine and Irene had not been granted to him, especially concerning the restoration of the papacy's patrimony to the state at which it had been prior to 731, that is, before Illyricum had been confiscated by the emperor Leo III⁸. Emperor Constantine VI and his mother Irene signed the acts of the council but it is unclear whether or not they promulgated a decree on the matter.

The translation is from the Greek text, since this is the more authoritative version.

BIBLIOGRAPHY: H-L 3, 741-798; Percival 521-587; RE 14 (1904) 18-20; DThC 11 (1931) 417-441; LThK 7 (1962) 964-965; NCE 10 (1967) 434-435; HC 3 (1980) 32-36; J. Mendham, *The Seventh General Council*, London 1850; L. Bréhier, *La querelle des images*, Paris 1924; G. Ostrogorsky, *Rom und Byzanz im Kampfe um die Bilderverehrung*, *Seminarium Kondakovianum* 6 (1933) 73-87; E. Hammerschmidt, *Erne Definition von "Hypostasis" und "Ousia" während des VI. allg. Konzils*, *Ostkirchliche Studien* 5 (1956) 52-55; P. Van den Ven, *La patristique et Thagtopographie au concile de Nicée de 787*, *Byzantion* 25-27 (1955-1957) 325-362; L. Breyer, *Bilderstreit und Arabersturm in Byzanz: Das 8. Jahrhundert aus der Weltchronik des Theophanes*, *Byzantinische Geschichtsschreiber* 6, Graz 1957; G. Dumeige, *Virée II*, *Histoire des conciles* 4, Paris 1978. J. Hussey, *The Orthodox Church in the Byzantine Empire*, Oxford 1986, 44-50.

⁶ Msi 13, 460.

⁷ See Jaffé 2483.

⁸ See Dölger 301.

TEXT AND TRANSLATION

Γύρο]

[Terminus]

Ἡ ἁγία μεγάλη και οἰκουμενική
 σύνοχος , ἡ κατὰ Θεοῦ χάριν καὶ
 θέσπισμα τῶν εὐσεβῶν και φιλοχρί-
 στῶν ἡμῶν βασιλέων Κωνσταντίνου
 καὶ Εἰρήνη τη αὐτοῦ μητρό συν-
 αθροισθεῖσα τὸ δεύτερον ἐν τη Νικα-
 ῶν λαμπρὰ μητροπόλει τη Βιθυνῶν
 ἐπαρχία , ἐν τη ἁγία τοῦ Θεοῦ ἐκκλη-
 σία τη ἐπονομαζομένη Σοφία, ἀκολου-
 θήσασα τη παραδόσει τη καθολικὴ
 ἐκκλησία , ὥρισε τὰ ὑποτεταγμένα.

Ὁ τὸ φῶς τη αὐτοῦ ἐπιγνώσεω
 ἡμῖν χαρισάμενο , καὶ τοῦ σκοτοῦ
 τῇ εἰδωλικῇ μανίᾳ ἡμᾶ λυτρώσα-
 μενο , Χριστὸ ὁ θεὸς ἡμῶν, νυμφευ-
 σάμενο τὴν ἁγίαν αὐτοῦ καθολικὴν
 ἐκκλησίαν * μὴ ἰχουσάν σπῖλον ἢ
 λυτίδα ταύτην ἐπηγγείλατο διαφυ-
 λάττεσθαι, τοῖ τε ἁγίοι αὐτοῦ
 μαθηταῖ διεβεβαιούτο λχγων- * μεθ'
 ὑμῶν εἰμι πάντα τὰ ἡμέρα ἕως
 τῇ συντελείᾳ τοῦ αἰῶνος ². ταύτην
 δὲ τὴν ἐπαγγελίαν οὐ μόνον αὐτοῖ
 ἐχαρίσατο, ἀλλὰ καὶ ἡμῖν τοῖ δι'
 αὐτῶν πιστεύσασιν εἰ τὸ ὄνομα αὐ-
 τοῦ³. Τῇ οὖν δωρεᾷ ταύτῃ ἀλογη-
 σαντέ τινε , ὡς ὑπὸ τοῦ ἀπατεῶνος
 ἐχθροῦ ἀναπτερούμενοι ἐξέστησαν τοῦ
 ὀρθοῦ λόγου, καὶ τη παραδόσει τῇ
 καθολικῇ ἐκκλησίᾳ ἀντιταξάμενοι,
 πρὸ τὴν σύνεσιν τῇ ἀληθείᾳ διή-
 μαρτον καὶ ὡς φησιν ὁ παροιμιακὸς
 λόγος , τοῦ ἀξονα τοῦ Ἰδιοῦ γεωργίου
 πεπλάνηνται καὶ συνήξαν χερσὶν ἀκαρ-
 πίαν· ὅτι τῶν ἱερῶν ἀναθημάτων τὴν
 Θεοπρεπὴ εὐκοσμίαν διαβάλλειν τετολ-
 μήκασιν, ἱερεῖ μὲν λεγόμενοι, μὴ
 ὄντες δὲ· περὶ ὧν ὁ θεὸς διὰ τῇ προ-
 φητεία βοᾷ· 'Ποιμένε πολλοὶ δι-
 ἐφθειραν τὸν ἀμπελῶνα μου, ἐμόλυναν
 τὴν μερίδα μου'⁴. ἀνιέροι γὰρ ἐπα-
 κολουθήσαντες ἀνδράσι, ταῖ Ἰδίαι
 φρεσὶ πειθομένοι , κατηγορήσαν τῇ

Sancta magna ac universalis syno-
 dus, quae per Dei gratiam et sanc-
 torum piorum et Christianorum im-
 peratorum Constantini et Irenae ma-
 tris eius congregata est secundo in
 Nicaenorum clara metropoli Bithy-
 nensium provinciae in sancta Dei
 ecclesia, quae cognominatur Sophia,
 sectata traditionem catholicae eccle-
 siae, definivit inferius ordinata.

Qui lucem agnitionis suae nobis
 donavit et a tenebris idolorum et
 insania nos redemit, Christus scili-
 cet Deus noster, desponsata sibi
 sancta sua catholica ecclesia *non*
*habente maculam seu rugam*¹, hanc se
 conservaturum promisit; sanctisque
 discipulis suis asseverabat dicens:
vobiscum sum omnibus diebus usque ad
*consummationem saeculi*². Porro hanc
 repromissionem non solum illis do-
 navit, sed et nobis qui per eos cre-
 didimus in nomine ipsius³. Ergo
 donum hoc quidam non cogitantes,
 a versuto inimico volatici quodam-
 modo facti, a recta ratione cecide-
 runt; traditioni etiam catholicae
 ecclesiae resultantes intellectu veri-
 tatis frustrati sunt; et, ut ait pro-
 verbialis sermo, in axe agricola-
 tionis suae erraverunt et college-
 runt manibus suis sterilitatem, quia
 sacrorum monumentorum Deo de-
 cibili ornamento detrahare prae-
 sumpserunt, cum sacerdotes qui-
 dem dicerentur, non essent autem;
 de quibus Deus per prophetam
 clamat: *Pastores multi corruperunt vi-*
neam meam, contaminaverunt portionem
meam^{*}. Sceleratos quippe secuti viros
 sensibus suis pellectos, calumniati
 sunt sanctam Christi Dei nostri

1 Eph 5,27.

1 Mt 28, 20.

1 Cf. Io 17, 20.

4 Ir 12,10.

[Definition]

The holy, great and universal synod, by the grace of God and by order of our pious and Christ-loving emperor and empress, Constantine and his mother Irene, assembled for the second time in the famous metropolis of the Nicaeans in the province of the Bithynians, in the holy church of God named after Wisdom, following the tradition of the catholic church, has decreed what is here laid down.

The one who granted us the light of recognizing him, the one who redeemed us from the darkness of idolatrous insanity, Christ our God, when he took for his bride his holy catholic church, *having no blemish or wrinkle*¹, promised he would guard her and assured his holy disciples saying, *I am with you every day until the consummation of this age*². This promise however he made not only to them but also to us, who thanks to them have come to believe in his name³. To this gracious offer some people paid no attention; being hoodwinked by the treacherous foe they abandoned the true line of reasoning, and setting themselves against the tradition of the catholic church they faltered in their grasp of the truth. As the proverbial saying puts it, they turned askew the axles of their farm carts and gathered no harvest in their hands. Indeed they had the effrontery to criticise the beauty pleasing to God established in the holy monuments; they were priests in name, but not in reality. They were those of whom God calls out by prophecy, *Many pastors have destroyed my vine, they have defiled my portion*⁴. For they followed unholy men and trusting to their own frenzies they

¹ Eph 5, 27. ² Mt 28, 20. ³ See Jn 17,20. ⁴ Jer 12, 10.

ἀρμοσθείση Χριστῷ τῷ Θεῷ ἁγία
αὐτοῦ ἐκκλησία, καὶ *ἀνά μέσον
ἁγίου καὶ βέβηλου οὐ διέστειλαν¹,
τὴν εἰκόνα τοῦ κυρίου καὶ τῶν ἁγίων
& αὐτοῦ ὁμοίῳ τοῖ ξοἶνοι τῶν σατα-
νικῶν εἰδώλων ὀνομάσαντε.

Διὸ μὴ φέρων ὑπὸ τοιαύτῃ λύμῃ
διαφθειρόμενον τὸ ὑπήκοον ὁ δεσπό-
τη Θεὸς, ἡμᾶς τοῦ ἀπανταχοῦ τῇ
10 ἱερωσύνῃ ἀρχηγοῦ τῇ αὐτοῦ εὐδοκίᾳ
συνεκάλεσε, θείῳ ζήλῳ καὶ ἐπινεύσει
Κωνσταντίνου καὶ Εἰρήνῃ τῶν πιστό-
τατων ἡμῶν βασιλέων, ὅπως ἡ ἐν Θεῷ
παράδοσις τῇ καθολικῇ ἐκκλησίᾳ
15 κοινῇ ψήφῳ ἀπολάβῃ τὸ κύρο. Μετὰ
πάσῃ τοίνυν ἀκριβεῖα ἐρευνήσαντέ
τε καὶ διασκεψάμενοι, καὶ τῷ σκοπῷ
τῇ ἀληθείᾳ ἀκολουθήσαντε, οὐδὲν
ἀφαιροῦμεν, οὐδὲν προστιθεμεν, ἀλλὰ
πάντα τὰ τῇ καθολικῇ ἐκκλησίᾳ
αμείωτα διαφυλάττομεν" καὶ ἐπόμενοι
ταῖς ἁγίαις οἰκουμενικαῖς ἐξ συνό-
δοις, πρῶτα μὲν τῇ ἐν τῇ λαμπρᾷ
Νικαέων μητροπόλει συναθροισθείσῃ,
25 ἐτι γὰρ μὴν καὶ τῇ μετ' αὐτὴν ἐν τῇ
θεοφυλάκτῳ βασιλίδι πόλει"

Πιστεύομεν εἰς ἓνα θεόν . . . 2

Βδελυσσόμεθα δὲ καὶ ἀναθεματί-
ζομεν Ἄρειον καὶ τοῦ αὐτοῦ σύμ-
φρονα καὶ κοινωνοῦ τῇ μανιώδους
αὐτοῦ κακοδοξίᾳ. Μακεδονίαν τε καὶ
τοῦ περὶ αὐτὸν καλῶ ὀνομασθέντα
πνευματομάχου ὁμολογοῦμεν δὲ καὶ
τὴν δέσποιναν ἡμῶν τὴν ἁγίαν Μα-
35 ρίαν κυρίῳ καὶ ἀληθῶς Θεοτόκον, ὃν
τεκοῦσαν σαρκὶ τὸν ἓνα τῇ τριάδι
Χριστὸν τὸν θεὸν ἡμῶν, καθὰ καὶ ἡ
ἐν Ἐφέσῳ τὸ πρότερον ἐδογματίσε
σύνοδος, καὶ τὸν ἄσεβῃ Νεστόριον
40 καὶ τοῦ ἀμφ' αὐτόν, ὃ προσωπικὴν
δυάδα εἰσάγοντα, τῇ ἐκκλησίᾳ
ἐξώθησε. Σύν τούτοις δὲ καὶ τὰ δύο
φύσει ὁμολογοῦμεν τοῦ σαρκωθέντος
δι' ἡμᾶς ἐκ τῆς ἀχράντου Θεοτόκου
καὶ ἀειπαρθένου Μαρίας, τέλειον αὐ-

ecclesiam, quae ipsi est desponsata,
et *inter sanctum et profanum non di-*
*stinxerunt*¹, imaginem Domini et
sanctorum eius similiter ut statuas
diabolicorum idolorum nominantes.

Propter quod dominus Deus non
ferens intueri ab huiusmodi peste
corrumpi subditos suos, nos sacer-
dotii principes beneplacito suo un-
dique convocavit divino zelo fer-
ventes et nutu Constantini et Irenae
imperatorum nostrorum adductos;
quatenus deifica catholicae ecclesiae
traditio communi decreto recipiat
firmitatem. Igitur cum omni dili-
gentia perscrutantes et discutientes
et intentionem veritatis sectantes,
nihil adimimus, nihil addimus, sed
omnia quae catholicae sunt eccle-
siae immaculata servamus; et se-
quentes sancta sex universalia con-
cilia, in primis quod in splendida
Nicaena metropoli convenit, adhuc
etiam et quod post in divinitus con-
servanda regia urbe collectum est.

Credimus in unum Deum . . . 2

Abominamur autem et anathema-
tizamus Arium et consentaneos et
communicatores vesanae opinionis
eius; Macedoniumque et eos qui
iuxta ipsum bene pneumatomachi
nominati sunt. Confitemur autem
et dominam nostram sanctam Mari-
am proprie ac veraciter Dei geni-
tricem, quoniam peperit carne unum
ex sancta Trinitate, Christum vide-
licet Deum nostrum, secundum
quod et Ephesinum prius dogmati-
zavit concilium quod impium Ne-
storium cum collegis suis, tanquam
personalem dualitatem introducen-
tem, ab ecclesia pepulit. Cum his
autem et duas naturas confitemur
eius qui incarnatus est propter nos

1 Ez 22, 26.

5 Sequitur symbolum Nicaeno-Constantinopolitanum (v. supra p. 24).

calumniated the holy church, which Christ our God has espoused to himself, and *they failed to distinguish the holy from the profane*¹, asserting that the icons of our Lord and of his saints were no different from the wooden images of satanic idols.

Therefore the Lord God, not bearing that what was subject to him should be destroyed by such a corruption, has by his good pleasure summoned us together through the divine diligence and decision of Constantine and Irene, our faithful emperor and empress, we who are those responsible for the priesthood everywhere, in order that the divinely inspired tradition of the catholic church should receive confirmation by a public decree. So having made investigation with all accuracy and having taken counsel, setting for our aim the truth, we neither diminish nor augment, but simply guard intact all that pertains to the catholic church. Thus, following the six holy universal synods, in the first place that assembled in the famous metropolis of the Nicaeans, and then that held after it in the imperial, God-guarded city:

We believe in one God ...¹

We abominate and anathematize Arius and those who think like him and share in his mad error; also Macedonius and those with him, properly called the Pneumatomachi; we also confess our Lady, the holy Mary, to be really and truly the God-bearer, because she gave birth in the flesh to Christ, one of the Trinity, our God, just as the first synod at Ephesus decreed; it also expelled from the church Nestorius and those with him, because they were introducing a duality of persons. Along with these synods, we also confess the two natures of the one who became incarnate for our sake from the God-bearer without blemish, Mary

¹ Ez 22, 26.

² There follows the Nicene-Constantinopolitan creed (see above p. 24).

τὸν θεὸν καὶ τέλειον ἄνθρωπον γινώσκοντες, ὡ καὶ ἡ ἐν Καλχηδόνι σύνοδος ἐξεφώνησεν, Εὐτυχὴ καὶ Διόσκορον δυσφημήσαντα τῇ θείᾳ αὐλῇ ἐελάσασα· συνυποβάλλοντα αὐτοῖ Σεβήρον, Πέτρον καὶ τὴν πολυβλάσφημον αὐτῶν ἀλληλόπλοκον σειρὰν, μεθ' ὧν καὶ τὰ Ὡριγένους, Εὐαγρίου τε καὶ Διδύμου μυθεύματα ἀναθεματίζομεν, ὡ καὶ ἡ ἐν Κωνσταντινουπόλει συγκροτηθεῖσα πέμπτη σύνοδος. Εἵτα τε καὶ δύο θελήματα καὶ ἐνεργεῖα κατὰ τὴν τῶν φύσεων ἰδιότητα ἐπὶ Χριστοῦ κηρύττομεν, καθ' ὃν τρόπον καὶ ἡ ἐν Κωνσταντινουπόλει ἑκτη σύνοδος ἐξεβόησεν, ἀποκηρύξασα Σέργιον, Ὀνώριον, Κύρον, Πύρρον, Μακάριον, τοῦ αθέλητου τῇ εὐσεβείᾳ, καὶ τοῦ τούτων ὁμόφρονά, καὶ συνελόντε φασὲν ἀπάσαι τὰ ἐκκλησιαστικὰ ἐγγράφῳ ἢ ἀγράφῳ τεθεσπισμένα ἡμῖν παραδόσει ἀκαινοτομήτου φυλάττομεν. Τῶν μία ἐστὶ καὶ ἡ τῇ εἰκονικῇ ἀναζωγραφῇσεως ἐκτύπωσι, ὡ τῇ ἱστορίᾳ τοῦ ευαγγελικοῦ κηρύγματος συνάδουσα, πρὸ πίστεως τῇ ἀληθείᾳ καὶ οὐ κατὰ φαντασίαν τῇ θεοῦ λόγου ἐνανθρωπήσεως, καὶ εἰ ὁμοίαν λυσιτέλειαν ἡμῖν χρησιμεύουσα· τὰ γὰρ ἀλλήλων δηλωτικὰ ἀναμφιβόλῳ καὶ τὰ ἀλλήλων ἔχουσιν ἐμφάσει.

et ad similem nobis utilitatem commode proficiens. Quae namque se mutuo indicant, indubitanter etiam

Τούτων οὕτω ἐχόντων, τὴν βασιλικὴν ὥσπερ ἐρχόμενοι τρίβον, ἐπακολουθοῦντε τῇ θεηγόρῳ διδασκαλίᾳ τῶν ἁγίων πατέρων ἡμῶν, καὶ τῇ παραδόσει τῇ καθολικῇ ἐκκλησίᾳ, τοῦ γὰρ ἐν αὐτῇ οἰκήσαντο ἁγίου πνεύματος εἶναι ταύτην γινώσκουμεν, ὁρίζομεν σὺν ἀκριβείᾳ πάσῃ καὶ ἐμμελείᾳ παραπλησίῳ τῷ τύπῳ τοῦ τιμίου καὶ ζωοποιοῦ σταυροῦ ἀνατί-

ex intemerata Dei genitrice semper virgine Maria, perfectum eum Deum et perfectum hominem cognoscentes, quemadmodum et Chalcedonensis synodus promulgavit, Eutychetem et Dioscorum blasphemantes a divino atrio abigens; conferentes cum illis pariter Severum, Petrum et eorum multifarie blasphemantem alterutris perplexionibus restim contextam; cum quibus et Origenis et Evagrii ac Didymi fabulas anathematizamus, sicuti et Constantinopoli congregatum quintum concilium egisse dignoscitur, Deinde quoque et duas voluntates et operationes secundum naturarum proprietatem in Christo praedicamus; quemadmodum et Constantinopoli sexta synodus exclamavit, abiiciens! Sergium, Honorium, Cyrum, Pyrrhum, Macarium et eos qui sine voluntate sunt pietatis, atque illis similia sentientes. Et ut compendiose fateamur, omnes ecclesiasticas sive scripto, sive sine scripto sancitas nobis traditiones illibate servamus; quarum una est etiam imaginalis picturae formatio, quae historiae evangelicae praedicationis concinit, ad certitudinem verae et non secundum phantasiam Dei Verbi inhumanationis effectae,

mutuas habent significationes.

His itaque se habentibus, regiae quasi continuati semitae, sequentesque divinitus inspiratum sanctorum patrum nostrorum magisterium et catholicae traditionem ecclesiae — nam Spiritus sancti hanc esse novimus, qui nimirum in ipsa inhabitat —, definimus in omni certitudine ac diligentia, sicut figuram pretiosae ac vivificae crucis, ita venera-

■ adiicens *Mti*, videtur per errorem

the ever-virgin, recognizing that he is perfect God and perfect man, as the synod at Chalcedon also proclaimed, when it drove from the divine precinct the foul-mouthed Eutyches and Dioscorus. We reject along with them Severus, Peter and their interconnected band with their many blasphemies, in whose company we anathematize the mythical speculations of Origen, Evagrius and Didymus, as did the fifth synod, that assembled at Constantinople. Further we declare that there are two wills and principles of action, in accordance with what is proper to each of the natures in Christ, in the way that the sixth synod, that at Constantinople, proclaimed, when it also publicly rejected Sergius, Honorius, Cyrus, Pyrrhus, Macarius, those uninterested in true holiness, and their like-minded followers. To summarize, we declare that we defend free from any innovations all the written and unwritten ecclesiastical traditions that have been entrusted to us. One of these is the production of representational art; this is quite in harmony with the history of the spread of the gospel, as it provides confirmation that the becoming man of the Word of God was real and not just imaginary, and as it brings us a similar benefit. For, things that mutually illustrate one another undoubtedly possess one another's message.

Given this state of affairs and stepping out as though on the royal highway, following as we are the God-spoken teaching of our holy fathers and the tradition of the catholic church — for we recognize that this tradition comes from the holy Spirit who dwells in her — we decree with full precision and care that, like the figure of the honoured and life-giving cross, the revered and holy

θεσθαι τὰ σεπτὰ καὶ ἅγια εἰκόνα ,
 τὰ ἐκ χρωμάτων καὶ ψηφῖδο καὶ
 ἕτερο ὑλῇ ἐπιτηδεῖω ἐχούση ἐν
 ταῖ ἁγίαι τοῦ θεοῦ ἐκκλησίαι , ἐν
 5 Ἱεροῖ σκεύεσι καὶ ἐσθήσι, τοῖχοι τε
 καὶ σανίσιν, οἴκοι τε καὶ ὁδοὶ · τη
 τε τοῦ κυρίου καὶ Θεοῦ καὶ σωτήρο
 ἡμῶν Ἰησοῦ Χριστοῦ εἰκόνο , καὶ τη
 ἀχράντου δεσποίνῃ ἡμῶν τη ἁγία
 10 Θεοτόκῳ, τίμιων τε ἀγγέλων, καὶ
 πάντων ἁγίων καὶ ὁσίων ἀνδρῶν.
 "Ὅσον γὰρ συνεχῶ δι' εἰκονικὴ
 ἀνατυπώσεω ὁρῶνται, τοσοῦτον καὶ
 οἱ ταῦτα Θεώμενοι διανίστανται προ
 τὴν τῶν πρωτοτύπων μνήμην τε καὶ
 ἐπιπόθησιν, καὶ ταῦται ἀσπασμόν
 καὶ τιμητικὴν προσκύνησιν ἀπονέ-
 μειν* οὐ μὴν τὴν κατὰ πίστιν ἡμῶν
 ἀληθινὴν λατρείαν, ἣ πρέπει μόνῃ τη
 20 θείᾳ φύσει, ἀλλ' ὃν τρόπον τω τύπῳ*
 τοῦ τίμιου καὶ ζωοποιοῦ σταυροῦ καὶ
 τοῖ ἁγίοι εὐαγγελῖοι καὶ τοῖ λοι-
 ποῖ ἱεροῖ ἀναθήμασΓ καὶ θυμιαμά-
 των καὶ φώτων προσαγωγήν πρό τὴν
 25 τούτων τιμὴν ποιεῖσθαι, καθὼ καὶ
 τοῖ ἀρχαῖοι εὐσεβῶ εἰθισταΓ ἡ γὰρ
 τῇ εἰκόνο τιμὴ ἐπὶ τὸ πρωτότυπον
 διαβαίνει¹, καὶ ὁ προσκυνῶν τὴν
 εἰκόνα προσχσνεῖ ἐν αὐτῇ τοῦ ἐγγρα-
 φομένου τὴν ὑπόστασιν.

Οὕτω γὰρ κρατύνεται ἡ τῶν ἁγίων
 πατέρων ἡμῶν διδασκαλία, εἰπουν
 παράδοσι τῇ καθολικῇ ἐκκλησίᾳ ,
 τῇ ἀπὸ περάτων εἰ πέρατα δεξα-
 μένη τὸ εὐαγγέλιον οὕτω τῷ ἐν
 Χριστῷ λαλήσαντι Παύλῳ καὶ πάσῃ
 τη θείᾳ ἀποστολικῇ ὁμηγύρει καὶ
 40 πατρικῇ ἁγιότητι ἐξακολουθοῦμεν,
 κρατοῦντε τὰ παραδόσει ἃ παρ-
 ειλῆφάμεν²* οὕτω τοῦ ἐπινικίου τῇ
 ἐκκλησίᾳ προφητικῶ κατεπάδομεν
 ὕμνου · 'χαῖρε σφοδρὰ θύγατερ Σιών,
 45 κήρυσσε θύγατερ Ἱερουσαλήμ* τέρ-

biles ac sanctas imagines proponen-
 das, tam quae de coloribus et tessel-
 lis, quam quae ex alia materia con-
 gruenter se habente in sanctis Dei
 ecclesiis et sacris vasis et vestibus
 et in parietibus ac tabulis, domibus
 et viis; tam videlicet imaginem do-
 mini Dei et salvatoris nostri Iesu
 Christi, quam intemeratae dominae
 nostrae sanctae Dei genitricis, ho-
 norabiliumque angelorum, et om-
 nium sanctorum simul et aliorum
 virorum. Quanto enim frequentius
 per imaginalem formationem viden-
 tur, tanto qui has contemplantur,
 alacrius eriguntur ad primitivorum
 earum memoriam et desiderium, et
 his osculum et honorariam adora-
 tionem tribuendam. Non tamen
 veram latrariam, quae secundum fi-
 dem est, quaeque solam divinam
 naturam decet, impartendam; ita
 ut istis, sicuti figurae pretiosae ac
 vivificae crucis et sanctis evangeliis
 et reliquis sanctis monumentis,
 incensorem et luminum ad harum
 honorem efficiendum exhibeatur,
 quemadmodum et antiquis pia
 consuetudinis erat. Imaginis enim
 honor ad primitivum transit¹; et
 qui adorat imaginem, adorat in ea
 depicti subsistentiam.

Sic enim robur obtinet sanctorum
 patrum nostrorum doctrina, id est
 traditio sanctae catholicae ecclesiae,
 quae a finibus usque ad fines terrae
 suscepit evangelium. Sic Paulum,
 qui in Christo locutus est, et omnem
 divinum apostolicum coetum, et
 paternam sanctitatem exsequimur,
 tenentes traditiones quas accepimus².
 Sic triumphales ecclesiae pro-
 phetice canimus hymnos: *Gaude sa-
 lis filia Sion, praedica filia Jerusalem,
 iucundare ei laetare ex toto corde tuo.*

» Cf. Basilius Caes., *De Spiritu* s. 18, 45 (PG 32, 149; SC 17, 194).

* Cf. 2 Th 2, 15.

images, whether painted or made of mosaic or of other suitable material, are to be exposed in the holy churches of God, on sacred instruments and vestments, on walls and panels, in houses and by public ways; these are the images of our Lord, God and saviour, Jesus Christ, and of our Lady without blemish, the holy God-bearer, and of the revered angels and of any of the saintly holy men. The more frequently they are seen in representational art, the more are those who see them drawn to remember and long for those who serve as models, and to pay these images the tribute of salutation and respectful veneration. Certainly this is not the full adoration in accordance with our faith, which is properly paid only to the divine nature, but it resembles that given to the figure of the honoured and life-giving cross, and also to the holy books of the gospels and to other sacred cult objects. Further, people are drawn to honour these images with the offering of incense and lights, as was piously established by ancient custom. Indeed, the honour paid to an image traverses it, reaching the model; and he who venerates the image, venerates the person represented in that image.

So it is that the teaching of our holy fathers is strengthened, namely, the tradition of the catholic church which has received the gospel from one end of the earth to the other. So it is that we really follow Paul, who spoke in Christ, and the entire divine apostolic group and the holiness of the fathers, clinging fast to the traditions which we have received². So it is that we sing out with the prophets the hymns of victory to the church: *Rejoice exceedingly O daughter of*

¹ See Basil of Caesarea, *De Spiritu s. (The holy Spirit)* 18, 45 (PG 32, 149; SC 17, 194).

² See 2 Th 2, 15.

που καί εὐφραίνου ἐξ ὅλη τη καρδιά σου" περιεῖλε κύριο ἐκ σου τὰ αδικήματα τῶν ἀντικειμένων σοι, λελύτρωσαι ἐκ χειρὸ ἐχθρῶν σου' κύριο βασιλεὺ ἐν μέσῳ σου' οὐκ ὄψει κακὰ οὐκέτι'1 καί εἰρήνη ἐπὶ σοί εἰ τὸν αἰῶνα χρόνον.

Τοῦ οὖν τολμώντα ἑτέρῳ φρονεῖν ἢ διδάσκειν ἢ κατὰ τοῦ ἐναγεῖ αιρετικοῦ τὰ ἐκκλησιαστικά παραδόσει ἀθετεῖν καί καινοτομίαν τινὰ ἐπινοεῖν, ἢ ἀποβάλλεσθαι τι ἐκ τῶν ἀνατεθειμένων τη ἐκκλησίᾳ, εὐαγγέλιον ἢ τύπον τοῦ σταυροῦ ἢ εἰκονικήν ἀναζωγράφησιν ἢ ἅγιον λείψανον μάρτυρο * ἢ ἐπινοεῖν σκολιῶ καί πανούργῳ πρό τὸ ἀνατρέψαι ἐν τι τῶν ἐνθέσμων παραδόσεων τη καθολικῇ ἐκκλησίᾳ · ἐτι μὴν ὡ κοινοῖ χρήσθαι τοῖ ἱεροῖ κειμηλίοι ἢ τοῖ εὐαγέσι μοναστηρίοι · ἐπισκόπου μὲν ὄντα ἢ κληρικοῦ, καθαιρεῖσθαι προστάσσομεν, μονάζοντα δέ ἢ λαϊκοῦ, τη κοινωνίᾳ ἀφορίζεσθαι.

*Abstulit Dominus a te iniustitias adversantium tibi; redemit te de manu inimicorum tuorum, Dominus rex in medio tui; non videbis mala ultra*¹, et pax in te in tempus aeternum.

5

Eos ergo qui audent aliter sapere aut docere, aut secundum scelestos haereticos ecclesiasticas traditiones spernere, et novitatem quamlibet excogitare, vel proiicere aliquid ex his quae sunt ecclesiae deputata, sive evangelium, sive figuram crucis, sive imaginalem picturam, sive sanctas reliquias martyris; aut excogitare prave aut astute ad subvertendum quidquam ex legitimis traditionibus ecclesiae catholicae; vel etiam quasi communibus uti sacris vasis, aut venerabilibus monasteriis; si quidem episcopi aut clerici fuerint, deponi praecipimus, monachos autem vel laicos a communione segregari.

25

Ἀναθεματισμοὶ περὶ τῶν ἁγίων εἰκόνων

α'

Εἰ τι Χριστὸν τὸν θεὸν ἡμῶν περιγραφτὸν οὐχ ὁμολογεῖ κατὰ τὸ ἀνθρώπινον, ἀνάθεμα ἔστω.

β'

Εἰ τι τὰ εὐαγγελικὰ ἐξηγήσει τὰ στηλογραφικῶ γινόμενα οὐ προσίεται, ἀνάθεμα ἔστω.

γ'

Εἰ τι οὐκ ἀσπάζεται ταῦτα, εἰ ὀνομα τοῦ κυρίου οὕσα καὶ τῶν ἁγίων αὐτοῦ, ἀνάθεμα ἔστω.

De sacris imaginibus anathematismi

I

Si quis Christum Deum nostrum circumscriptum non confitetur secundum humanitatem, a. s.

30

II

Si quis evangelicas historias imaginibus expressas non admittit, a. s.

III

Si quis eas non salutat, cum sint in nomine Domini et sanctorum eius, a. s.

35

¹ Sph 3, 14sq. (Septuaginta).

Zion, proclaim O daughter of Jerusalem; enjoy your happiness and gladness with a full heart. The Lord has removed away from you the injustices of your enemies, you have been redeemed from the hand of your foes. The Lord the king is in your midst, you will never more see evil', and peace will be upon you for time eternal.

Therefore all those who dare to think or teach anything different, or who follow the accursed heretics in rejecting ecclesiastical traditions, or who devise innovations, or who spurn anything entrusted to the church (whether it be the gospel or the figure of the cross or any example of representational art or any martyr's holy relic), or who fabricate perverted and evil prejudices against cherishing any of the lawful traditions of the catholic church, or who secularize the sacred objects and saintly monasteries, we order that they be suspended if they are bishops or clerics, and excommunicated if they are monks or lay people.

Anathemas concerning holy images

1

If anyone does not confess that Christ our God can be represented in his humanity, let him be anathema.

2

If anyone does not accept representation in art of evangelical scenes, let him be anathema.

3

If anyone does not salute such representations as standing for the Lord and his saints, let him be anathema.

¹ Zp 3, 14 ff. (Scptuagint).

8'

IV

Εἰ τι πάσαν παράδοσιν ἐκκλησιαστικὴν ἐγγράφον ἢ ἀγράφον ἀθετεῖ, ἀνάθεμα ἐστω.

Si quis omnem ecclesiasticam traditionem sive scriptam, sive non scriptam reiicit, a. s.

KANONES

CANONES

I

*Ὅτι δεῖ τοῦ θεοῦ κανόνα
κατὰ πάντα φυλάττειν¹

*Quod oportet sacros canones per omnia
conservare¹*

Τοῖ τὴν ιερατικὴν λαχοῦσιν ἀξίαν μαρτύριά τε καὶ κατορθώματα αἱ τῶν κανονικῶν διατάξεων εἰσιν ὑποτυπώ-
σει· α· δεχόμενοι ἀσμένω, μετὰ τοῦ
10 θεοφάντορο Δαβὶδ ἀδομεν πρὸ τὸν δεσπότην θεόν, λέγοντες * * Ἐν τῇ
ὁδῷ τῶν μαρτυρίων σου ἐτέρφθην, ὡς
ἐπὶ παντὶ πλούτῳ ²· καὶ ⁴ Ἐνετεί-
λω δικαιοσύνην, τὰ μαρτύριά σου εἰ
15 τὸν αἰῶνα· συνέτισόν με καὶ ζήσον
με.³ Καὶ εἰ ἑὶ τὸν αἰῶνα ἡ προ-
φητικὴ φωνὴ ἐντέλλεται ἡμῖν ἑ-
λάττειν τὰ μαρτύρια τοῦ θεοῦ καὶ ζῆν
ἐν αὐτοῖ ⁴, δῆλον ἀκράδαντα καὶ
20 ἀσάλευτα διαμενουσιν, ὅτι καὶ ὁ
θεόπτη Μωϋσῆς οὕτω φησὶν ⁴ Ἐν
αὐτοῖ οὐκ ἐστὶ προσθεῖναι, καὶ ἀπ'
αὐτῶν οὐκ ἐστὶν ἀφαιρεῖν.⁵ Καὶ
ὁ θεῖος ἀπόστολος ἐν αὐτοῖ ἐγκαν-
25 χώμενο βοᾷ* ⁴ Εἰ ἂ ἐπιθυμοῦσιν
ἄγγελοι παρακύψαι⁶ καὶ· * Εἰ ἄγ-
γελο εὐαγγελίζεται ὑμῖν παρ' ὃ πα-
ρελάβετε, ἀνάθεμα ἐστω.⁷

Τούτων οὕτω ἐχόντων καὶ διαμαρ-
30 τυρομένων ἡμῖν, ἀγαλλιώμενοι ἐπ'
αὐτοῖ, ὡς εἰ τι εὐροὶ σκύλα πολλὰ⁸,
ἀσπασίῳ τοῦ θεοῦ κανόνα ἐν-
στερνιζόμεθα καὶ ολόκληρον τὴν αὐ-
τῶν διαταγὴν καὶ ἀσάλευτον κρα-
35 τύνομεν, τῶν ἐκτεθέντων ὑπὸ τῶν

His qui sacram sortiti sunt dignita-
tem, testimonia et directiones cano-
nicarum praeceptionum formae con-
sistunt. Quas libenter suscipientes,
cum deiloquo David canimus ad
dominum Deum dicentes: *In via
testimoniorum tuorum delectatus sum,
sicut in omnibus divitiis*². Et mandasti
iustitiam testimonia tua in aeternum.
*Intellectum da mihi, et vivifica me*³.
Et si *in aeternum* prophetica vox
mandat nobis *custodire testimonia Dei,
et vivere in illis*^{*}, immutilata profecto
et immota permanent. Et quia Dei
inspector Moyses ita dixit: *In illis
non est addendum, et ab eis non est
auferendum*³. Et divinus apostolus in
eis gloriatus clamat: *In quem desi-
derant angeli prospicere*^{*}. Et, *Si angelus
evangelizaverit vobis praeter quod acce-
pistis, anathema sit*¹.

His ita se habentibus et protestan-
tibus, exultantes in eis sicut qui in-
venit spolia multa⁸, divinos cano-
nes amplectabiliter in pectore re-
condimus, et integram illorum prae-
ceptionem ac immobilem tenemus:
tam scilicet illorum qui ab almis et

¹ Cf. conc. Chalc. c. 1 (v. supra p. 87); conc. Quinisext. (692), c. 2 (CCO 120-125).

² Ps 118,14. » Ps 118,138« 144. ⁴ Ps 118, 88.

⁵ Dt 12,32. «1Pt1,12. ⁷ Gall, 9. ⁸ Cf. Ps 118,162.

4

If anyone rejects any written or unwritten tradition of the church, let him be anathema.

CANONS

1

It is necessary to observe the sacred canons in all things'

For those to whom the priestly dignity is allotted, the guide-lines contained in the canonical regulations are testimonies and directives. We accept them gladly and sing out to the Lord God with David, the revealer of God: *In the path of your testimonies I have taken delight, as with all manner of wealth*²; and, *You have enjoined justice, your testimonies are for ever; instruct me to give me life**. And if the prophetic voice orders us *for all eternity to observe the messages of God and to live in them*^{4,5} it is obvious that they remain unshakeable and immovable; thus Moses, who looked on God, declares, *To these there is no addition, and from these there is no subtraction*[^]. The divine apostle takes pride in them when he cries out, *These things which the angels long to gaze upon*⁶, and, *If an angel brings you a gospel contrary to what you have received, let him be accursed*⁷.

Since these things really are such and have been testified to us in these ways, we exult in them as a person would if he were to come across a great mass of booty⁸. We joyfully embrace the sacred canons and we maintain complete and unshaken their regulation, both those expounded by those trumpets of the

¹ See council of Chalcedon, canon 1 (see above p. 87); Quinisext council (692), canon 2 (CCO 120-125; trans. Percival 361).

² Ps 118, 14. ³ Ps 118, 138 and 144. ⁴ Ps 118, 88.

⁵ Dt 12, 32. ⁶ 1 Pt 1, 12. ⁷ Gal 1, 9. ⁸ See Ps 118, 162.

σαλπίγγων τοῦ πνεύματος, τῶν πανευφήμων αποστόλων, τῶν τε ἐξ ἁγίων οἰκουμενικῶν συνόδων, καὶ τῶν τοπικῶ συναθροισθεισῶν ἐπὶ ἐκδόσει τοιούτων διαταγμάτων, καὶ τῶν ἁγίων πατέρων ἡμῶν ἐξ ἐνὸς γὰρ ἀπόντε καὶ τοῦ αὐτοῦ πνεύματος αὐγασθέντε ὥρισαν τὰ συμφέροντα. Καὶ οὐ μὲν τῷ ἀναθέματι παραπέμπουσι, καὶ ἡμεῖς ἀναθεματίζομεν* οὐ δὲ τῇ καθαιρέσει, καὶ ἡμεῖς καθαιρούμεν οὐ δὲ τῷ ἀφορισμῷ, καὶ ἡμεῖς ἀφορίζομεν οὐ δὲ ἐπιτιμίῳ παραδιδόασιν, καὶ ἡμεῖς ὡσαύτως ὑποβάλλομεν. * Ἀφιλάργυρο γὰρ ὁ τρόπος, ἀρκούμενοι τοῖ παροῦσιν *χ, ὁ βεβηκὼς εἰ τρίτον οὐρανὸν καὶ ἀκούσα ἄρρητα ῥήματα Παύλο ὁ θεῖο ἀπόστολο διαρρήδην βοᾷ².

B

"Ὅτι δεῖ τὸν χειροτονούμενον ἐπίσκοπον ἀσφαλῶ συντάττεσθαι τοῦ κανόνα φυλάττειν, εἰ δὲ μὴ γε μὴ χειροτονεῖσθαι

Ἐπειδὴ περ ψάλλοντε συντασσόμεθα τῷ θεῷ* 'Ἐν τοῖ δικαιώμασί σου μελετήσω, οὐκ ἐπιλήσομαι τῶν λόγων σου '3, πάντα μὲν χριστιανοὺ ταῦτα φυλάττειν σωτήριον, κατ' ἐξαίρετον δὲ τοῦ τὴν Ἱερατικὴν ἀμπεχομένου ἀξίαν. "Ὅθεν ὀρίζομεν, πάντα τὸν προάγεσθαι μέλλοντα εἰ τὸν τῇ ἐπίσκοπῃ βαθμὸν πάντῳ τὸν ψάλτηρα γινώσκειν, ἵνα ὡς ἐκ τούτου καὶ πάντα τὸν κατ' αὐτὸν κλήρον οὕτως νοουθετῇ μυεῖσθαι ἂν ἀνακρίνεσθαι δὲ ἀσφαλῶ ὑπὸ τοῦ μητροπολίτου, εἰ προθύμῳ ἔχει ἀναγινώσκειν ἐρευνητικῶς καὶ οὐ παροδευτικῶς τοῦ τε ἱεροῦ κανό-

laudabilissimis apostolis sancti Spiritus tubis editi sunt, quam eorum qui a sex sanctis et universalibus sinodis, atque his conciliis quae
1 liter collecta sunt, in expositio- 5
nem huiusmodi decretorum promulgati sunt: nec non et eorum qui a sanctis patribus nostris prolati fuisse probantur. Ab uno enim eodemque Spiritu illustrati defini- 10
erunt quae expediunt. Et quidem quos anathemati transmittunt, et nos anathematizamus: quos vero depositioni, et nos deponimus: quos autem segregationi, et nos segregamus. Porro quos epitimio (id est poenae) tradunt, et nos quoque simili modo submittimus. *Sine avaritia namque sint mores, contenti praesentibus*, Paulus aperte clamat divinus apostolus, qui in tertium caelum ascendit, et audivit ineffabilia verba².

II

Quod oporteat consecrandum episcopum caute polliceri canones serrare: sin autem, minime consecrari 25

Quoniam psallentes repromittimus Deo: *In iusiificationibus tuis meditabor, non obliviscar sermones tuos*³ omnes 30
quidem Christianos hoc servare saluberrimum est; sed praecipue hos, qui hierarchicam consecuti fuerint dignitatem. Unde definimus, omnem qui ad episcopatus provehendus est gradum, modis omnibus psalterium nosse; ut ex hoc etiam omnis clericus qui sub eo fuerit, ita moneatur et imbuatur. Inquiratur autem diligenter a metropolita, si 30
in promptu habeat legere scrutablem et non transitorie tam sacros canones et sanctum evangclium,

1 Heb 13, 5. s 2 Cor 12, 2-3. 1 Ps 118,16.

Spirit, the apostles worthy of all praise, and those from the six holy universal synods and from the synods assembled locally for the promulgation of such decrees, and from our holy fathers. Indeed all of these, enlightened by one and the same Spirit, decreed what is expedient. In the case of those whom they sent away under an anathema, we also anathematize them; those whom they suspended, we also suspend; those whom they excommunicated, we also excommunicate; those whom they placed under penalties, we also deal with in the same way. *Let your conduct be free from avariciousness, contenting yourself with what you have'*, cried out with all explicitness the divine apostle Paul, who mounted to the third heaven and heard words that cannot be uttered².

2

A bishop when ordained should undertake to observe the canons without fail, and if he does not, he should not be ordained

Since we make an undertaking before God as we sing, *I shall meditate on your judgments, I shall not neglect your words*³, it is essential to our salvation that every Christian should observe these things, but more especially those who have been invested with priestly dignity. Therefore we decree that everyone who is to be advanced to the grade of bishop should have a thorough knowledge of the psalter, in order that he may instruct all the clergy subordinate to him, to be initiated in that book. He should also be examined without fail by the metropolitan to see if he is willing to acquire knowledge — a knowledge that should be

¹ Heb 13, 5. ² 2 Cor 12, 2-3. ³ Ps 118, 16.

να , τὸ ἅγιον εὐαγγέλιον, τὴν τε τοῦ θείου αποστόλου βιβλόν, καὶ πᾶσαν τὴν θείαν γραφήν, χαί κατὰ τὰ θεία εντάλματα ἀναστρέφεσθαι καὶ
 5 διδάσκειν τὸν κατ' αὐτὸν λαόν. * Οὐσία γάρ τῃ καθ' ἡμὰς Ἱεραρχία ἐστὶ τὰ θεοπαράδοτα λόγια¹, ἡγουν ἢ τῶν θείων γραφῶν ἀληθινὴ ἐπιστημη, καθὼς ὁ μέγα ἀπεφήνατο
 10 Διονύσιος . Εἰ δὲ ἀμφισβητοῖη καὶ μὴ ἀσμενίζοι οὕτω ποιεῖν τε καὶ διδάσκειν, μὴ χειροτονείσθω· ἔφη γάρ προφητικὸς ὁ θεός· ' Σὺ ἐπιγνώσιν ἀπώσω, καὶ γὼ ἀπώσομαι σε
 15 τοῦ μὴ Ἱερατεῦειν μοι.²

Γ

"Οτι οὐ δεῖ ἄρχοντα ψηφίζεσθαι ἐπίσκοπον

Πᾶσαν ψήφον γινομένην παρὰ ἀρχόντων, ἐπισκόπου ἢ πρεσβυτέρου
 20 ἢ διακόνου, ἄκυρον μένειν κατὰ τὸν κανόνα τὸν λέγοντα· 'Εἰ τι ἐπίσκοπο κοσμικοὶ ἄρχουσι χρησάμενο, δι' αὐτῶν ἐγκρατὴ ἐκκλησία γένηται, καθαιρείσθω καὶ ἀφοριζέσθωσαν οἱ κοινωνοῦντες αὐτῷ πάντες.³ Δεῖ γάρ τὸν μέλλοντα προβιβάζεσθαι εἰ ἐπίσκοπὴν ὑπὸ ἐπισκόπων ψηφίζεσθαι, καθὼς παρὰ τῶν ἁγίων πατέρων τῶν ἐν Νικαίᾳ ὠρίσται ἐν τῷ κανόνι τῷ λέγοντι· * Ἐπίσκοπον προσήκει, μάλιστα μὲν ὑπὸ πάντων τῶν ἐν τῇ ἐπαρχίᾳ καθίστασθαι· εἰ δὲ δυσχερὲς εἴη τὸ τοιοῦτο, ἢ διὰ κατεπείγουσαν ἀνάγκην, ἢ
 35 διὰ μῆκος ὁδοῦ, ἐξάπαντος τρεῖς ἐπὶ τὸ αὐτὸ συναγομένου, συμψηφῶν γινομένων καὶ τῶν ἀπόντων καὶ συντιθεμένων διὰ γραμμάτων, καὶ τότε τὴν χειροτονίαν ποιεῖσθαι·
 40 τὸ δὲ κύριο τῶν γινομένων δίδοσθαι καθ' ἑκάστην ἐπαρχίαν τῷ μητροπολίτῃ.⁴

III

Quod nan oporteat principes eligere episcopum

Omnis electio a principibus facta episcopi aut presbyteri aut diaconi, irrita maneat secundum regulam quae dicit: „Si quis episcopus saecularibus potestatibus usus, ecclesiam per ipsos obtineat, deponatur: et segregentur omnes qui illi communicant.*³ Oportet enim ut qui provehendus est in episcopum, ab episcopis eligatur; quemadmodum a sanctis patribus qui apud Nicaeam convenerunt, in regula definitum est, quae dicit: „Episcopum convenit maxime quidem ab omnibus, qui sunt in provincia, episcopis ordinari. Si autem hoc difficile fuerit aut propter instantem necessitatem, aut propter itineris longitudinem, tribus tamen omnimodis in idipsum convenientibus, et aliis per literas consentientibus, tunc consecratio fiat. Firmitas autem eorum quae geruntur, per unamquamque provinciam metropolitano tribuatur antistiti."⁴

¹ Dionysius Areop., *Hier. eccl.* I 4 (PG 3,389). ¹ Os 4,6.

* Can. ap. 30 (CSP 21). ⁴ Cone. Nic. I, c. 4 (v. supra p. 7).

searching and not superficial — of the sacred canons, the holy gospel, the book of the divine apostle, and all divine scripture; also if he is willing to conduct himself and teach the people entrusted to him according to the divine commandments. “The substance of our hierarchy are the words handed down from God”¹, that is to say, the true knowledge of the divine scriptures, as the great Dionysius made plain. If someone is doubtful and ill at ease with such conduct and teaching, let him not be ordained. For God said through the prophet: *You rejected knowledge, and I shall reject you, so that you may not serve me in a priestly function*².

3

Rulers ought not to elect the bishop

Any election of a bishop, priest or deacon brought about by the rulers is to be null and void in accordance with the canon that says: “If any bishop, through the influence of secular rulers, acquires responsibility for a church because of them, let him be suspended and let all those who are in communion with him be excommunicated”³. It is necessary that the person who is to be advanced to a bishopric should be elected by bishops, as has been decreed by the holy fathers at Nicaea in the canon that says: “It is by all means desirable that a bishop should be appointed by all [the bishops] in the province. But if this is difficult because of some pressing necessity or the length of the journey involved, let at least three come together and perform the ordination, but only after the absent bishops have taken part in the vote and given their written consent. But in each province the right of confirming the proceedings belongs to the metropolitan”⁴.

¹ Denis the Areopagite, *Hier. eccl. (Ecclesiastical Hierarchy)* I 4 (PG 3, 389).
Apostolic canons 30 (CSP 21; trans. Percival 595).
See council of Nicaea I, canon 4 (see above p. 7).

² Hos 4, 6.

IV

Περὶ τοῦ ἀπέχεσθαι τοῦ ἐπισκόπου
πάση δοσοληψία

*QuoJ abtrinendum rit episcopii ab omni dari
acceptio.*

Ὁ κήρυξ τῇ ἀλήθεια Παῦλο ὁ
θεῖο ἀπόστολο, οἶονεῖ κανόνα τι-
θεῖ τοῖ Ἐφεσίων presbyteris, imo vero
μᾶλλον δὲ καὶ παντὶ Ἱερατικῷ πλη-
ρώματι, οὕτω ἐπαρρησιάζσθῃ εἰ-
πὼν * Ἀργυρίου ἢ χρυσίου ἢ Ἱμα-
τισμοῦ οὐδενὸ ἐπεθύμησά' πάντα
ὑπέδειξα ὑμῖν, ὅτι οὕτω κοπιῶντα
δεῖ ἀντιλαμβάνεσθαι τῶν ἀσθενούν-
των¹ μακάριον ἡγούμενο τὸ διδόναι².

Διὸ καὶ ἡμεῖ μαθητευθέντες παρ'
αὐτοῦ, ὀρίζομεν, μηδὲν αἰσχρο-
κερδῶ ἐπινοεῖσθαι ἐπίσκοπον, * προ-
φασιζόμενον προφάσει ἐν ἀμαρ-
τίαι'', ἀπαιτεῖν χρυσίον ἢ ἀργύριον
ἢ ἕτερον εἶδος τοῦ ὑπ' αὐτὸν τε-
λοῦντα ἐπίσκοπου, ἢ κληρικοῦ ἢ
μοναχοῦ' φησὶ γάρ ὁ ἀπόστολος'
' Ἀδικοὶ βασιλείαν θεοῦ οὐ κληρο-
νομήσουσι'* καὶ' ' Οὐκ ὀφείλει τὰ
τέκνα τοῖ γονεῦσι θησαυρίζειν, ἀλλ'
οἱ γονεῖ τοῖ τέκνοι.⁵

Εἰ τι οὖν δι' ἀπαιτήσιν χρυσίου ἢ
ἐτέρου τινὸς εἴδους, εἴτε διὰ τινὰ
Ἰδίαν ἐμπάθειαν εὗρεθειῇ ἀπειργῶν
τῇ λειτουργίᾳ καὶ ἀφορίζων τινὰ
τῶν ὑπ' αὐτὸν κληρικών, ἢ σε-
πτὸν ναὸν κλείων, μὴ γίνεσθαι ἐν
αὐτῷ τὰ τοῦ θεοῦ λειτουργία,
εἰ ἀναίσθητα τὴν ἑαυτοῦ μανίαν
ἐπιπέμπων, ἀναίσθητο ὄντω ἐστὶ,
'ῶαί τῇ ταῦτοπαθείᾳ ὑποκείται,
καὶ 'ἐπιστρέψει ὁ πόνος αὐτοῦ εἰ
τὴν κεφαλὴν αὐτοῦ'', ὡ παραβά-
τη ἐντολῇ θεοῦ καὶ τῶν ἀπο-
στολικῶν διατάξεων' παραγγέλλει
γάρ καὶ Πέτρος, ἢ κορυφαία τῶν
ἀποστόλων ἀκρότη' * Ποιμαίνετε τὸ
ἐν ὑμῖν ποίμνιον τοῦ θεοῦ μὴ ἀναγ-
καστῶ, ἀλλ' ἐκουσίῳ κατὰ θεόν,

Praedicator ecclesiae Paulus divi-
nus apostolus ac si canonem ponens
Ephesiorum presbyteris, imo vero
et omni sacratae multitudini, ita
fiducialiter perhibuit dicens: *Argen-
tum, aut aurum, aut vestem nullius con-
cupivi: omnia ostendi vobis, quoniam sic
laborantes oportet suscipere infirmos*,¹⁰
beatius existimans dare².

Propter quod et nos edocti ab eo
definimus, nullatenus episcopum
turpis lucri gratia excogitare *ad ex-*^{is}
*cusandas excusationes in peccatis**, et
expetere aurum vel argentum aut
aliam speciem ab episcopis, vel cle-
ricis, aut monachis qui sub ipso
sunt. Ait enim Apostolus: *Iniqui* «
*regnum Dei non possidebunt*¹: Et, *non
debent filii parentibus thesaurizare, sed
parentes filiis*⁵.

Quisquis ergo propter exactionem²⁵
auri vel alterius cuiuslibet speciei
aut propter proprium vitium inven-
tus fuerit coercens a ministerio, vel
sequestrans aliquem clericorum qui
sub se degunt, aut venerabile tem-³⁰
pium claudens, ne in eo Dei ministe-
ria celebrentur, ad insensata suam
transmittens insaniam, insensatus
veraciter est; ac per hoc, simili
poenae eo subiecto, *convertatur do-*³⁵
*lor eius in caput eius*⁶, ut in transgres-
sorem mandati Dei et mandatorum
apostolicorum. Praecipit enim et
Petrus principalis apostolorum sum-
mitas: *Pascite qui in vobis est gregem*⁴⁰
Dei non coacte, sed spontanee, secun-
dum Deum, non turpis lucri gratia, sed

¹ Ac 20, 33. ' Cf. Ac 20, 35. * Ps 140, 4. « 1 Cor 6, 9.

* 2 Cor 12, 14. · Ps 7, 17 (Septuaginta).

4

About bishops refraining from the acceptance of any gifts

The herald of the truth, Paul, the divine apostle, laying down a sort of rule for the presbyters of Ephesus, or rather for the whole priestly order, declared firmly: *I have not coveted silver or gold or anybody's clothing; I have made completely plain to you that it is by working in this fashion that we should provide for the weak*¹, being convinced that it is blessed to give².

Therefore we also, having been taught by him, decree that a bishop should never have any sort of design on foul profit, *inventing excuses for his sins*³, nor demand any gold or silver or anything similar from the bishops, clerics and monks subject to him. For the apostle says: *The unjust will not inherit the kingdom of God*⁴; and, *It is not children who should heap up treasures for their parents, but parents for their children*⁵.

So if it is discovered that somebody, because of a demand for gold or something similar, or because of some private infatuation of his own, has excluded from the liturgy or excommunicated one of the clerics under his authority, or has closed off one of the holy churches, preventing the celebration of God's liturgies in it, pouring out his own madness against insensible things, then he is truly senseless himself and he should be subjected to suffer what he would inflict and *the penalty imposed by him will turn upon his own head*^{**}, because he has transgressed both the law of God and the rulings of the apostles. For Peter also, the spokesman of the apostles, urges: *Be pastors to the flock of God entrusted to you, not under compulsion, but willingly as pleasing to God, not*

¹ Ac 20, 33. ² See Ac 20, 35. ³ Ps 140, 4. ⁴ 1 Cor 6, 9.

⁵ 2 Cor 12, 14. ⁶ Ps 7, 17 (Septuagint).

μή αίσχροκερδῶ , ἀλλὰ προθύμῳ , *prompte; neque ut dominante! in clero,*
 μή ὡ κατακυριεύοντε τῶν κλήρων, ' *sed forma facti regis; et cum apparuerit*
 ἀλλὰ τύποι γινόμενοι τοῦ ποιμνίου- *princeps pastorum, percipietis immar-*
 καί φανερωθέντο τοῦ ἀρχιποίμενο , *censibilem gloriae coronam*^{1*}.
 5 κομιεῖσθε τὸν ἀμαράντινον τῇ δό-
 ξῃ στέφανον.¹

Ε

"Ὅτι οἱ ὀνειδίζοντε τοῦ κληρικοῦ
 διὰ τὸ τετάχθαι ἐν ἐκκλησίᾳ χωρὶ
 δόσιων ἐπιτιμίῳ ὑπόκεινται

V

*qu exprobrant clericis, eo quod ordinati
 nent in ecclesia sine datis, epitimio subiacent*

10 Ἀμαρτία πρὸ θάνατόν ἐστιν⁸, ὅταν
 τινέ ἀμαρτάνοντε ἀδιόρθωτοι μέ-
 νωσι" τὸ δὲ τούτου χεῖρον, ἐάν καὶ
 τραχηλιῶντε κατεξανίστανται τῇ
 εὐσεβείᾳ καὶ τῇ ἀλήθειᾳ , καὶ προ-
 15 τιμώμενοι τὸν μαμωνᾶν τῇ τοῦ θεοῦ
 ὑπακοῇ , καὶ τῶν κανονικῶν αὐτοῦ
 διατάξεων μὴ ἀντεχόμενοι' ἐν τοῦ-
 τοι οὐκ ἐστὶ κύριο δ θεό³, εἰ μὴ-
 20 πω ταπεινωθέντε τοῦ ἰδίου σφάλ-
 ματο ἀνανήψωστ χρή γὰρ μάλλον
 αὐτοῦ προσέρχεσθαι τῷ θεῷ καὶ
 μετὰ συντετριμμένη καρδιά τὴν
 ἄφεσιν τούτου τοῦ αμαρτήματος καὶ
 τὴν συγχώρησιν αἰτεῖσθαι, οὐχὶ ἐνα-
 25 βρύνεσθαι τῇ ἀθέσμῳ δόσε^Γ * ἐγγύ
 γὰρ κύριο τοῦ συντετριμμένου τῇ
 καρδιά.* Τοῦ ἐγκαυχωμένου οὖν
 διὰ δόσεω χρυσοῦ τετάχθαι ἐν τῇ
 ἐκκλησίᾳ, καὶ ταύτῃ τῇ πονηρᾷ συν-
 30 ηθείᾳ ἐπελπίζοντα , τῇ ἀλλοτριούσῃ
 ἀπὸ τοῦ θεοῦ καὶ πάσῃ ἱερωσύ-
 νῃ , καὶ ἐκ τούτου ἀναιδεῖ προσώπῳ
 καὶ ἀπερικαλύπτῳ στόματι ὀνειδι-
 στικοῖ λόγοι τοῦ δι' ἀρετὴ βίου
 35 ὑπὸ τοῦ ἁγίου πνεύματος ἐκλεγέν-
 τα καὶ καταταγέντα ἐκτὸ δόσεω
 χρυσοῦ ατιμάζοντα , πρῶτα μὲν
 τοῦτο ποιοῦντα τὸν ἐσχατον βαθ-
 μὸν λαμβάνειν τοῦ οἰκείου τάγμα-
 40 το - εἰ δ' ἐπιμένοινεν, δι' ἐπιτιμίου
 διορθοῦσθαι.

Peccatum ad mortem est⁸, quando
 quidam peccantes incorrecti per-
 sistunt. Hoc vero deterius est, si
 et arroganter elati insurgunt adver-
 sus pietatem et veritatem ; et praefer-
 rentes mammona Dei obedientiae,
 nullatenus regularibus eius precep-
 tis intendunt. In his non est domi-
 nus Deus³, nisi humiliati a proprio
 resipuerint fortasse excessu. Opor-
 tet enim eos magis accedere ad
 Deum, et cum contrito corde remis-
 sionem huius peccati et indulgen-
 tiam petere, et non gloriari in illicito
 dato. *Iuxta enim est Dominus bis qui*
*tribulato sunt corde**. Eos igitur qui
 gloriantur se per dationem auri or-
 dinatos in ecclesia, et in hac maligna
 consuetudine quae alienat a Deo et
 omni sacerdotio, sperant, et ex hoc
 impudenti facie et non operto ore
 exprobrabilibus verbis eos qui ob
 virtutem vitae a sancto Spiritu
 electi et constituti sine datione auri
 sunt, inhonorant; primo quidem
 novissimum gradum accipere sui
 ordinis definimus: quod si perman-
 serint, per epitimium corrigantur.

1 1 Pt 5,2-4. » Cf 1 Io 5,16-17.

» OE Nm 16, 3. * Ps 33,19.

for sordid gain but with enthusiasm, not as men who lord it over those entrusted to you, but as being models for the flock. Then when the chief shepherd is disclosed, you will carry off the imperishable crown of glory'.

5

Those who disparage clerics because they are appointed in the church without distributing gifts, are subject to penalties

It is a sin leading to death² when sinners remain uncorrected, but still worse is it when people flaunt their sin as they override holiness and truth, both preferring mammon to obedience to God and neglecting his legally formulated instructions. The Lord God is not present among such persons³ unless they humbly turn from their fault. Their duty is to approach God with a contrite heart and implore his forgiveness for their sin and his pardon, rather than to take pride in an unholy distribution of gifts: *For the Lord is close to the contrite of heart**. Therefore in the case of those who boast that they have been appointed in the church by distributing gifts of gold, and who pin their hopes on this evil custom, which alienates a person from God and from all priesthood, and who take this as a reason for deriding quite shamelessly and openly those who have been chosen by the holy Spirit and appointed for the virtue of their lives, without any distribution of gifts of gold, when they first do this each should take the lowest rank in his order, and if they persist they should be corrected with a penalty.

*¹ Pt 5, 2-4. ² See 1 Jn 5, 16-17.

³ See Nm 16, 3. ⁴ Ps 33, 19.

Εἰ δέ τι ἐπὶ χειροτονία φανείη ποτέ τοῦτο πεποιηκῶ, γινέσθω κατὰ τὸν ἀποστολικὸν κανόνα, τὸν λέγοντα· Ἐτ τι ἐπίσκοπο διὰ χρημάτων τη ἀξία ταύτη ἐγκρατὴ γένηται, ἢ πρεσβύτερο ἢ διάκονο, καθαιρείσθω καὶ αὐτὸ καὶ ὁ χειροτονήσα, καὶ ἐκκοπτέσθω παντάπασι καὶ τη κοινωνία, ὡς Σιμών ὁ μάγο ὑπ' ἐμοῦ Πέτρου.¹ Ὡσαύτω καὶ κατὰ τὸν δεῦτερον κανόνα τῶν ἐν Καλχηδόνι ὁσίων πατέρων ἡμῶν, τὸν λέγοντα· Ἐτ τι ἐπίσκοπο ἐπὶ χρήμασι χειροτονίαν ποιήσοιτο, καὶ εἰ πράσιν καταγάγοι τὴν ἀπρατον χάριν, καὶ χειροτονήσοι ἐπὶ χρήμασιν ἐπίσκοπον ἢ χωρεπίσκοπον, ἢ πρεσβυτέρου ἢ διακόνου ἢ τινὰ τῶν ἐν τῷ κλήρῳ καταριθμουμένων, ἢ προβάλλοιτο ἐπὶ χρήμασιν οἰκονόμον ἢ ἐκδικον ἢ παραμονάριον ἢ ἄλλω τινὰ τοῦ κανόνο, δι' αἰσχροκέρδειαν οἰκείαν, ὁ τοῦτο ἐπιχειρήσα, ελεγχθεὶ, κινδυνευέτω εἰ τὸν ἴδιον βαθμόν· καὶ ὁ χειροτονούμενο μηδὲν ἐκ τῆ κατ' ἐμπορίαν ὠφελείσθω χειροτονία ἢ προβολή, ἀλλ' ἐστω ἀλλότριον τη ἀξία ἢ τοῦ φροντισματο, οὐπερ ἐπὶ χρήμασιν ἐτυχεν. Εἰ δέ τι καὶ μεσιτεῦων φανείη τοῖ οὕτω αἰσχροῖ καὶ ἀθεμίτοι λήμμασι, καὶ οὕτο, εἰ μὲν κληρικὸ εἴη, ἐκ τοῦ οἰκείου ἐκπιπτέτω βαθμοῦ, εἰ δέ λαϊκὸ ἢ μοναχὸ, ἀφοριζέσθω.²

Si vero quis claruerit super consecratione hoc aliquando faciens, efficiatur secundum apostolicam regulam quae dicit: „Si quis episcopus per pecuniam dignitatem hanc s obtinuerit, vel presbyter aut diaconus, deponatur et ipse et qui eum consecravit, et excidatur omnimodis etiam a communione, quemadmodum Simon magus a me Petro/¹ 10 Similiter et iuxta secundam regulam sanctorum patrum qui apud Chalcedonem convenerunt, quae ait: „Si quis episcopus per pecunias consecrationem fecerit, et sub pre- is cio redegerit gratiam quae non potest vendi, ordinaveritque per pecunias episcopum, vel chorepiscopum, sive presbyteros aut diaconos, aut quemdam eorum qui in clero 20 connumerantur: aut praeposuerit per pecunias oeconomum vel defensorem, sive mansionarium, aut prorsus quemquam qui sub regulam est, turpis lucri gratia: qui hoc 25 conatus fuerit agere, si convictus fuerit, proprii gradus periculum subeat: et qui consecratus est, nihil proficiat ex consecratione vel promotione quae per negotiationem 30 effecta est; sed sit alienus a dignitate et solitudine quam per pecunias consecutus est. Si vero quis mediator apparuerit in huiusmodi turpibus et illicitis datis; si quidem clericus fuerit, proprio gradu decadat: 35 si vero laicus vel monachus, excommunicetur.”²

Περὶ τοῦ γίνεσθαι τοπικὴν σύνοδον κατὰ χρόνον

Ut efficiatur localis synodus per annum

40

Επειδὴ περ κανὼν ἐστίν, ὁ λέγων· Ἐτ τοῦ ἐτοῦ καθ' ἐκάστην ἐπαρ-

Quoniam, quidem regula est, quae dicit: „Bis in anno per singulas

¹ Can. ap. 29 (CSP 21).

² Conc. Chalc. c. 2 (v. supra pp. 87-88).

If someone is found to have done this at any time in connection with an ordination, let matters proceed in accordance with the apostolic canon which says: “If some bishop or priest or deacon has obtained his dignity by means of money, let him and the person who performed the ordination be suspended, and let them be excluded completely from the communion, as Simon Magus was by me, Peter”.¹ Similarly, in accordance with canon 2 of our holy fathers at Chalcedon, which says: “If any bishop performs an ordination for money and puts the unsaleable grace on sale, and ordains for money a bishop, a chorepiscopus, a presbyter or deacons or some others of those numbered among the clergy; or appoints a manager, a legal officer or a warden for money, or any other ecclesiastic at all for personal sordid gain; let him who has attempted this and been convicted stand to lose his personal rank; and let the person ordained profit nothing from the ordination or appointment he has bought; but let him be removed from the dignity or responsibility which he got for money. And if anyone appears to have acted even as a go-between in such disgraceful and unlawful dealings, let him too, if he is a cleric, be demoted from his personal rank, and if he is a lay person or a monk, let him be anathematized”.²

6

On holding a local synod each year

Although there is indeed a canon which says, “In each province the canonical investigations should take place twice yearly by means of a gathering of the

¹ Apostolic canons 29 (CSP 21; trans. Percival 595).

² Council of Chalcedon, canon 2 (see above pp. 87-88).

χίαν χρή γίνεσθαι διὰ συναθροίσεων
 επισκόπων τὰ κανονικά ζητήσει **,
 διὰ οὐκ τὴν συντριβὴν καὶ τὸ ἐνδεὲς
 ἔχειν πρὸ ὁδοιπορίαν τοῦ συνα-
 θροισμένου, ὥρισαν οἱ τῇ ἑκτη
 συνόδου* ὁσιοὶ πατέρες, « ἐξ ἁπαντο-
 τρόπου καὶ προφάσει ἅπασι τοῦ
 ενιαυτοῦ γίνεσθαι καὶ τὰ εσφαλμέ-
 να διορθοῦσθαι. »² Τοῦτον οὖν τὸν κα-
 νόνα καὶ ἡμεῖς ἀνανεοῦμεν καὶ εἰ
 10 τι εὐρεθῇ ἀρχῶν τοῦτο κωλύων,
 ἀφοριζέσθω· εἰ δέ τι ἐκ τῶν μη-
 τροπολιτῶν ἀμελήσῃ τοῦτο γίνεσθαι,
 ἐκτὸ ἀνάγκῃ καὶ βίᾳ καὶ τινὸς
 εὐλόγου πρ
 ἐπιτιμίοι ὑποκείσθω.

Τῇ δὲ συνόδου γινόμενη περὶ κα-
 νονικῶν καὶ εὐαγγελικῶν πραγμά-
 20 των, δεῖ τοῖς συναθροισθεῖσιν ἐπι-
 σκόποι ἐν μελέτῃ καὶ φροντίδι
 γίνεσθαι τὰ θεία καὶ ζωοποιῶν
 ἐντολὰ τοῦ θεοῦ. « Ἐν γὰρ τῷ φυ-
 λάττεσθαι αὐτὰ ἀνταπόδοσι πολλή »³,
 25 « ὅτι καὶ λύχνος ἐντολή, νόμος δὲ φῶς,
 καὶ ὁδὸς ζωῆς ἐλεγχὸς καὶ παιδεία »⁴.
 καὶ * ἡ ἐντολή κυρίου τηλαυγὴ φω-
 τίζουσα ὀφθαλμοῦ. »⁵ Μὴ ἔχειν δὲ
 ἀδειαν τὸν μητροπολίτην, ἐξ ὧν
 μ ἐπιφέρεται ὁ ἐπίσκοπος μετ' αὐτοῦ,
 ἢ κτήνῳ ἢ ἑτέρῳ εἶδος ἀπαιτεῖν
 εἰ δὲ τοῦτο ἐλεγχθῇ, ἀποτίσῃ τε-
 τραπλάσιον.

Z

« Ὅτι τοῦ ἐγκαινισθέντος ναοῦ ἐκτὸ
 35 καταθέσει ἁγίων λειψάνων δέον
 ἀναπληρωθῆναι »[®]

Ἐφη Παῦλος ὁ θεῖος ἀπόστολος·
 « Τινῶν ἀνθρώπων αἱ ἁμαρτίαι πρό-
 δηλοὶ εἰσὶ, τισὶ δὲ καὶ ἐπακολου-

το α τῇ τ\$ Τρούλλω ἁγία συνόδου

provincias oportet fieri per conven-
 tum episcoporum regulares inqui-
 sitiones"1: propter fatigationem et
 ut opportune habeantur ad iter
 agendum hi qui congregandi sunt,
 definierunt sextae synodi sancti
 patres, omni excusatione remota,
 „modis omnibus semel in anno
 fieri, et depravata corrigi"2. Hunc
 ergo canonem et nos renovamus:
 et si quisquam princeps inventus
 fuerit hoc prohibere, communione
 privetur. Si quis vero metropolita-
 norum hoc neglexerit agere, absque
 necessitate vel vi seu aliqua rationa-
 bili occasione, canonicis poenis
 subiaceat.

Dum autem synodus agitur super
 canonicis et evangelicis negotiis,
 oportet congregatos episcopos in
 meditatione et solitudine fieri cu-
 stodiendorum divinorum et vivifi-
 corum Domini mandatorum: *in cu-
 stodiendis enim illis retributio multe?*
quia et lucerna mandatum: lex autem
lux, et via vitae argutio et disciplina
*est**; *et mandatum Domini lucidum*
illuminans oculo?. Porro non habeat
 metropolitanus licentiam ex his quae
 defert episcopus secum, sive iumen-
 tum, sive aliam speciem expetendi.
 Quod si hoc egisse convictus fuerit,
 solvat quadruplum.

VII

*Quod templa naviter tunc reconditu sanctorum
 reliquiis dedicata oporteat suppleri**

Ait Paulus divinus apostolus: *Quo-
 rumdam peccata manifesta sunt, quo-
 rumdam autem et subsequuntur*1. Pec-

1 Cf. conc. Nia I a 5; conc. Chalc. a 19 (v. supra pp. 8.96); Can. ap. 37 (CSP 26).

1 Conc. Quinisext. (692), c. 8 (CCO 135-136) * Ps 18,12. 4 Pro 6, 23 (Septuaginta).

» Ps 18, 9. 4 Cf. conc. Carth. (419), a 83 (CSP 323). * I Tm 5,24.

bishops”¹, because of the trouble and because those attending the meetings lack the resources for such journeys, the holy fathers of the sixth synod” decreed, “they should be held in any case and despite all excuses, once a year, and all that is incorrect should be put right”². *We also renew this canon, and should a ruler be found who prevents its observance, let him be excommunicated; however if one of the metropolitan bishops neglects its fulfilment, let him be subject to canonical penalties, unless it is a case of necessity, constraint or some other reasonable cause.

When such a synod is held to discuss canonical and evangelical matters, the gathered bishops should pay particular care and attention to the divine and life-giving laws of God: *There is a great reward for their observance*^{*}; *for a law is a lamp, a regulation is a light, and reproof and discipline are the path of life*⁴; indeed *the law of the Lord gives light to the eyes*⁵⁶. However, the metropolitan bishop does not have the right to demand anything that a bishop may have brought with him, such as a beast or some other thing; and if he is convicted of doing so, let him pay back fourfold.

7

If a church has been consecrated without the installation of holy relics, it is necessary to make good the defect[†]

The divine apostle Paul said : *The sins of some people are manifest, those of others*

n the holy synod in the Trullo

[†] See council of Nicaea I, canon 5; council of Chalcedon, canon 19 (see above pp. 8, 96); Apostolic canons 37 (CSP 26; trans. Percival 596).

^{*} Quinisext council (692), canon 8 (CCO 135-136; trans. Percival 369).

⁵ Ps 18, 12. ⁴ Pro 6, 23 (Septuagint). ⁵ Ps 18, 9.

⁶ See council of Carthage (419), canon 83 (CSP 323; trans. Percival 482).

θοῦσιν.¹ Ἀμαρτιῶν οὖν προκαταλαμ-
βανόντων, καὶ ἕτεραι ἁμαρτίαι πα-
ρέχονται ταῦται. Τῇ οὖν ἀσεβείᾳ αἰ-
ρέσει τῶν χριστιανοκατηγόρων καὶ
ἄλλα ἀσεβήματα συνηκολούθησαν*
ὥσπερ γὰρ τὴν τῶν σεπτῶν εἰκόνων
δψιν ἀφείλοντο ἐκ τῆ ἐκκλησίας, καὶ
ἕτερά τινα ἔθη παραλελοίπασιν, ἃ
χρὴ ἀνανεωθῆναι, καὶ κατὰ τὴν ἐγ-
γραφον καὶ ἄγραφον θεσμοθεσίαν
οὕτω κρατεῖν. Ὅσοι οὖν σεπτοὶ
ναοὶ καθιερώθησαν ἐκ τῶν ἀγίων λει-
ψάνων μαρτύρων, ὀρίζομεν ἐν αὐ-
τοῖς κατὰ θεσιν γενέσθαι λειψάνων,
μετὰ καὶ τῇ συνήθου εὐχῇ. Καὶ
εἰ ἀπὸ τοῦ παρόντος τι εὕρεθῇ
ἐπίσκοπος χωρὶ λειψάνων καθιερώ-
ναόν, καθαιρεῖσθω, ὡς παραβεβηκὼς
τὰ ἐκκλησιαστικά παραδόσει.

H

Ὅτι τοῦ Εβραίου οὐ χρὴ δέχεσθαι,
εἰ μήπω ἐξ εἰλικρινοῦ καρδία ἐπι-

Επειδὴ πλανώμενοι οἱ ἐκ τῆ τῶν
Εβραίων θρησκείας, μυκτηρίζουσιν
ἐδοξάν Χριστὸν τὸν θεόν, προσ-
ποιούμενοι χριστιανίζειν, αὐτὸν δὲ
ἄρνοῦνται, κρύβδην καὶ λαθραίως
σαββατίζοντες καὶ ἕτερα Ἰουδαϊκά
ποιοῦντες, ὀρίζομεν τοῦτου μήτε
εἰ κοινωνίαν, μήτε εἰ εὐχήν, μήτε
εἰ ἐκκλησίαν δέχεσθαι, ἀλλὰ φα-
νερῶς ἐστῶσαν κατὰ τὴν ἑαυτῶν
θρησκείαν Εβραῖοι* μήτε τοῦ παῖ-
δα αὐτῶν βαπτίζειν, μήτε δοῦλον
ὠνήσασθαι, ἢ κτάσθαι. Εἰ δὲ ἐξ εἰ-
λικρινοῦ πίστεως καὶ καρδίας ἐπι-
στρέψει τι αὐτῶν καὶ, ὁμολογήσει
ἐξ ὅλης καρδίας, θριαμβεύων τὰ κατ'
αὐτῶν ἔθη καὶ πράγματα, πρὸ τού-
του καὶ ἄλλου ἐλεγχθῆναι καὶ διορθώ-
σασθαι, τοῦτον προσδέχεσθαι, καὶ
βαπτίζειν καὶ τοῦ παῖδα αὐτοῦ,

catis ergo praevenientibus, et alia
peccata his accidunt. Impiam itaque
christianos accusantium haeresim
et aliae impietates subsecutae sunt.
Sicut enim venerabilium imaginum &
vultum abstulerunt ab ecclesia, ita
et alios quosdam mores deseru-
erunt, quos et oportet renovari, et
secundum scriptam et non scrip-
tam legislationem denuo detineri. 10
Quotquot ergo venerabilia templa
consecrata sunt absque sanctis reli-
quiis martyrum, definimus in eis
reliquiarum una cum solita oratione
fieri positionem. Et si a praesenti is
tempore inventus fuerit episcopus
absque lipsanis consecrare templum,
deponatur, ut ille qui ecclesiasticas
traditiones transgreditur.

VΠΙ

Quod Hebraeos non oporteat recipi, nisi forte ex 20
sincero corde comersifuerint

Quoniam errantes hi qui ex Hebraeo-
rum superstitione consistunt, sub-
sannare se Christum Deum, exi- «
stimant, simulantes christianizare,
ipsum autem negant, clam et laten-
ter sabbatizantes, et alia Judaeorum
more facientes: definimus hos neque
in communionem, neque in oratio- so
nem, neque in ecclesiam suscipi;
sed manifeste sint secundum religio-
nem suam Hebraei: neque pueros
eorum baptizari, neque servum emi
vel acquiri. Si vero ex sincero corde 35
ac fide converterit se quis eorum, et
confessus fuerit ex toto corde, di-
vulgans mores eorum et res, ut alii
etiam arguantur et corrigantur;
hunc suscipi et baptizari, et pueros io
eius: quin et observari eos, ut re-
cedant ab Hebraicis adinventioni-

¹ 1 Tm 5,24.

appear later'. Some sins take the front rank but others follow in their footsteps. Thus in the train of the impious heresy of the defamers of Christians, many other impieties appeared. Just as those heretics removed the sight of venerable icons from the church, they also abandoned other customs, which should now be renewed and which should be in vigour in virtue of both written and unwritten legislation. Therefore we decree that in venerable churches consecrated without relics of the holy martyrs, the installation of relics should take place along with the usual prayers. And if in future any bishop is found out consecrating a church without relics, let him be deposed as someone who has flouted the ecclesiastical traditions.

8

Hebrews should not be received unless they have a sincere heart in making their conversion

Since some of those who come from the religion of the Hebrews mistakenly think to make a mockery of Christ who is God, pretending to become Christians, but denying Christ in private by both secretly continuing to observe the sabbath and maintaining other Jewish practices, we decree that they shall not be received to communion or at prayer or into the church, but rather let them openly be Hebrews according to their own religion; they should not baptize their children or buy, or enter into possession of, a slave. But if one of them makes his conversion with a sincere faith and heart, and pronounces his confession wholeheartedly, disclosing their practices and objects in the hope that others may be refuted and corrected, such a person should be welcomed and

καὶ ἀσφαλιζέσθαι ἀποστηναὶ τῶν
ἐβραϊχῶν ἐπιτηδεύματων εἰ δὲ μὴ
οὕτω ἔχοιεν, μηδαμῶ αὐτοῦ προσ-
δέχεσθαι.

bus, definimus: alias autem nullate-
nus admittendos.

Θ

5 Περὶ τοῦ μὴ κρύπτειν τινὰ τῇ
χριστιανοκατηγορικῇ αἵρέσει
βιβλίον

IX

*De non abscondendo libro quolibet haereseos
christianos accusantium*

Πάντα τὰ μαιρακιδώδη ἀθύρματα καὶ
μανιώδη βακχεύματα, τὰ ψευδοσυγ-
10 γράμματα τὰ κατὰ τῶν σεπτῶν ει-
κόνων γενόμενα, δέον δοθῆναι ἐν
τῷ ἐπισκοπείῳ Κωνσταντινουπόλε-
ω, ἵνα ἀποτεθῶσι μετὰ τῶν λοιπῶν
αιρετικῶν βιβλίων. Εἰ δὲ τι εὗρε-
15 θεῖη ταῦτα κρύπτων, εἰ μὲν ἐπίσκο-
πο ἢ πρεσβύτερο ἢ διάκονο εἶη,
καθαιρεῖσθω, εἰ δὲ λαϊκὸς ἢ μον-
αχός, ἀφοριζέσθω.

Omnia puerilitia ludibria, insanas-
que debacchationes atque conscrip-
ta, quae falso contra venerabiles
imagines facta sunt, dari oportet
in episcopio Constantinopoleos, ut
recondantur cum ceterorum haere-
ticorum libris. Si vero quis inventus
fuerit haec occultare, siquidem epi-
scopus aut presbyter, vel diaconus
fuerit, deponatur: si vero monachus
aut laicus, anathematizetur.

I

"Ὅτι οὐ δεῖ κληρικὸν ἀπολιπεῖν τὴν
20 ἑαυτοῦ παροικίαν καὶ ἐν ἑτέρᾳ ἀφι-
κέσθαι χωρὶ εἰδήσεως τοῦ ἐπισκό-
που!

X

*Quod non oporteat clericum relinquere parochiam
suam et ad aliam transire absque notitia episcopi*

Ἐπειδὴ τινες τῶν κληρικῶν, παρα-
λογιζόμενοι τὴν κανονικὴν διάταξιν,
25 ἀπολιπόντες τὴν ἑαυτῶν παροικίαν
εἰ ἑτέρα παροικία ἐκτρέχουσι, κα-
τὰ πλείστον δὲ ἢ τούτῃ τῇ θεοφύ-
λακτοι καὶ βασιλίδι πόλει, καὶ εἰ
ἄρχοντα προσεδρεύουσιν, ἐν τοῖ
30 αὐτῶν εὐκτηρίοι τὰ λειτουργία
ποιοῦντες, τούτου οὖν χωρὶ τοῦ
ἰδίου ἐπισκόπου καὶ τοῦ Κωνσταν-
τινουπόλεως οὐκ ἐξεστὶ δεχθῆναι ἐν
οἰωδήποτε οἴκῳ ἢ ἐκκλησίᾳ· εἰ δὲ
35 τοῦτο ποιήσῃ, ἐπιμένων καθαι-
ρεῖσθω.

Quoniam quidam clericorum parvi-
pendentes canonicam constitutio-
nem, relinquunt parochiam pro-
priam, et ad alias parochias convo-
lant, et maxime in hac Deo servanda
regia urbe sese apud principes lo-
cant, in eorum oratoriis missas fa-
cientes: hos absque proprio episco-
po et Constantinopolitano antistite
non licet suscipere in qualibet domo
vel ecclesia: quod si hoc fecerit, et
ita perseveraverit, deponatur.

"Ὅσοι δὲ μετ' εἰδήσεως τῶν προ-
λεχθέντων ἱερέων τοῦτο ποιοῦσιν,

Quotquot autem cum conscientia
praedictorum hoc fecerint sacerdo-

1 Cf. conc. Nie. I, cc. 15-16 (v. supra p. 13); conc. Chalc., cc. 5, 10, 23 (v. supra pp. 90, 92, 97);
conc. Quinisext. (692), cc. 17-18 (CCO 148-150); Can. ap. 6, 15, 81, 83 (CSP 11, 15, 49-50);
conc. Antioch. (341), c. 3 (CSP 106-107); conc. Sard. (342/343), cc. 15, 16, 17 (CSP 182-184).

baptized along with his children, and care should be taken that they abandon Hebrew practices. However if they are not of this sort, they should certainly not be welcomed.

9

No book of the heresy that defamed the Christians is to be kept hidden

All those childish baubles and Bacchic rantings, the false writings composed against the venerable icons, should be given in at the episcopal building in Constantinople, so that they can be put away along with other heretical books. If someone is discovered to be hiding such books, if he is a bishop, priest or deacon, let him be suspended, and if he is a lay person or a monk, let him be excommunicated.

10

A cleric should not abandon his own diocese and move into another without approval of the bishop¹

As some clerics, who despise the canonical ordinance, abandon their own dioceses and run off into other dioceses — something that happens with special frequency in this imperial, God-guarded city — and there they lodge with rulers, celebrating the liturgy in their chapels, let it not be permitted for them to be received in any house or church without the approval of their own bishop and that of the bishop of Constantinople. If they do so and persist therein, they are to be suspended.

In the case of those who do this with the approval of the above-mentioned

¹ See council of Nicaea I, canons 15-16 (see above p. 13); council of Chalcedon, canons 5, 10, 23 (see above pp. 90, 92, 97); Quinisext council (692), canons 17-18 (CCO 148-150; trans. Percival 374); Apostolic canons 6, 15, 81, 83 (CSP 11, 15, 49-50; trans. Percival 594, 599); council of Antioch (341), canon 3 (CSP 106-107; trans. Percival 109); council of Sardica (342/343), canons 15, 16, 17 (CSP 182-184; trans. Percival 429-431).

οὐχ ἔξεστιν αὐτοῖς κοσμικὸ καὶ βιωτικὰ φροντίδα ἀναλαμβάνεσθαι, ὥς κεκωλύσθαι τοῦτο ποιεῖν παρὰ τῶν θείων κανόνων εἰ δέ τι φω- ραθεῖη τῶν λεγομένων μειζοτέρων τὴν φροντίδα ἐπέχων, ἢ παυσάσθω ἢ καθαιρεῖσθω. Μᾶλλον μὲν οὖν, εἰ πρό διδασκαλίαν τῶν τε παίδων καὶ τῶν οἰκετῶν, ἐπαναγινώσκων αὐτοῖς τὰ θεία γραφὰ ' εἰ τοῦτο γὰρ καὶ τὴν ἱερωσύνην ἐκληρώσατο. tum, non licet cis mundanas et sae- culares curas suscipere, praesertim cum hoc agere prohibeantur a sacris canonibus. Quisquis autem apparuit eorum, qui dicuntur ma- iores, curam tenere, aut desinat, aut deponatur: potius autem maneat ad magisterium tam puerorum quam famulorum, relegens eis divinas scripturas: ad hoc enim etiam sacer- dotium consecutus est.

IA

"Ὅτι δεῖ οἰκονόμου εἶναι ἐν τοῖς ἐπισκοπεῖοι καὶ τοῖς μοναστηρίοι 1*

Ἐπὶ πάντων τοῦ θείου κανόνα φυλάττειν, καὶ τὸν λέγοντα, οἰκονόμου εἶναι ἐν ἐκάστη ἐκκλη- σία, παντὶ τρόπῳ ἀπαράτρωτον δια- τηρεῖν ὀφείλομεν. Καὶ εἰ μὲν ἐκα- στο μὴτροπολίτῃ ἐν τῇ ἐκκλησίᾳ αὐτοῦ καθιστὰ οἰκονόμον, καλῶς ἀν- ἔχοι' εἰ δέ μή γε, ἐξ αὐθεντίας Ἰδία τῷ Κωνσταντινουπόλεως ἐπι- σκόπῳ ἀδειὰ ἐστὶ προχειρίζεσθαι οἰ- κονόμον ἐν τῇ αὐτοῦ ἐκκλησίᾳ' ὡς- αὐτῷ καὶ τοῖς μὴτροπολίταις, εἰ οἱ ὑπ' αὐτοῦ ἐπίσκοποι οὐ προαι- ροῦνται οἰκονόμου ἐγκαταστήσαι ἐν ταῖς ἐαυτῶν ἐκκλησίαις. Τὸ αὐτὸ δὲ φυλάττεσθαι καὶ ἐπὶ τῶν μο- ναστηρίων.

IB

"Ὅτι οὐ δεῖ ἐκποιεῖσθαι ἐπίσκοπον ἢ ηγούμενον ἐκ τῶν πρᾶστειων τῇ ἐκκλησίᾳ 3§

Εἰ τι ἐπίσκοπο εὐρεθεῖη ἢ ηγού- μενο, ἐκ τῶν αὐτουργιῶν τοῦ ἐπι- σκοπείου ἢ τοῦ μοναστηρίου ἐκποι-

XI

Quod oporteat oeconomos esse in episcopis ac monasteriis

Cum simus debitores omnes sanctas litteras custodire, et eam quae dicit, in unaquaque ecclesia oeconomos esse, mpdis omnibus inviolabilem conservare debemus. Et si quidem unusquisque metropolitanus in sua ecclesia constituerit oeconomum, bene utique: sin autem, ex aucto- ritate propria Constantinopoleos episcopo licentia est praeponendi oeconomum in eius ecclesia: simi- liter et métropolitains, si episcopi qui sub ipsis sunt, non sategerint oeconomos statuere in suis ecclesiis. Idipsum autem servandum est etiam in monasteriis.

30

XII

*Quod non oporteat episcopum vel abbatem alienare quid de proastiis ecclesiae**

Quisquis episcopus inventus fuerit vel abbas de salariis episcopii sive monasterii transferre quidquam in

35

1 Cf. conc. Chalc., c. 26 (v. supra p. 99); Can. ap. 38 (CSP 26-27); conc. Ancyra. (314), c. 15 (CSP 66); conc. Gangra. (ca 340), c. 7 (CSP 92); conc. Antioch. (341), cc. 24, 25 (CSP 123-126); conc. Carth. (419), cc. 26, 33 (CSP 242, 248); Theophilus AI., c. 10 (CPG 270); Cyrillus AI., c. 2 (CPG 279 sq.).

5 Vide adnotationem ad can. praec.

prelates, it is not permitted for them! to assume worldly and secular responsibilities, since they are forbidden to do so by the sacred canons; and if someone is misled into occupying himself with the responsibility of the so-called high stewards, he is to desist or be suspended. Rather let him busy himself with the teaching of the children and servants, lecturing them on the divine scriptures, because it is for such activity that he received the priesthood.

11

There should be administrators in episcopal houses and monasteries'

Since we are obliged to observe all the sacred canons, we ought also to maintain in all its integrity the one that says that there should be administrators in each church. Therefore if each metropolitan bishop installs an administrator in his own church, that is well and good; but if not, the bishop of Constantinople on his own authority has the right to appoint one over the other's church; and similarly with metropolitan bishops, if the bishops under them do not choose administrators to hold these posts in their own churches. The same rule is also to be observed with respect to monasteries.

12

*A bishop or a monastic superior should not alienate any part of the church's suburban properties*¹²

If it is discovered that a bishop or a monastic superior is transferring episcopal or

¹ See council of Chalcedon, canon 26 (see above p. 99); Apostolic canons 38 (CSP 26-27; trans. Percival 596); council of Ancyra (314), canon 15 (CSP 66; trans. Percival 69); council of Gangra (about 340), canon 7 (CSP 92; trans. Percival 95); council of Antioch (341), canons 24, 25 (CSP 123-126; trans. Percival 120-121); council of Carthage (419), canons 26, 33 (CSP 242, 248; trans. Percival 455, 458); Theophilus of Alexandria, canon 10 (CPG 270; trans. Percival 614); Cyril of Alexandria, canon 2 (CPG 279 ff.; trans. Percival 615).

² See note to previous canon.

οὔμενο εἰ ἀρχοντικὴν χεῖρα, ἢ
 ἑτέρῳ προσώπῳ ἐκδίδου, ἀκυρον
 εἶναι τὴν ἐκδοσιν, κατὰ τὸν κανόνα
 τῶν ἁγίων ἀποστόλων, τὸν λέγον-
 5 τα· Ὑπάντων τῶν ἐκκλησιαστικῶν
 πραγμάτων δ' ἐπίσκοπο ἐχέτω τὴν
 φροντίδα, καὶ διοικήτω αὐτὰ ὡς
 τοῦ θεοῦ ἐφορώμεντο· μὴ ἐξεῖναι δὲ οὕτω
 σφετερίζεσθαι τι ἐξ αὐτῶν, ἢ συγ-
 10 γενέσιν Ἱδιοὶ τὰ τοῦ θεοῦ χαρίζε-
 σθαι· εἰ δὲ πένητε εἶεν, ἐπιχορη-
 γεῖτω ὡς πένησιν, ἀλλὰ μὴ προφά-
 σει τούτων τὰ τῇ ἐκκλησίᾳ ἀπεμ-
 πολεῖτω.¹ Εἰ δὲ προφασίζοιτο ζη-
 15 μίαν ἐμποιεῖν καὶ μηδὲν προ-
 δνῆσιν τυγχάνειν τοῦ ἀγροῦ, μὴδ' οὕτω
 τοῖς κατὰ τόπον ἀρχουσιν ἐκδιδόναι
 τὸν τόπον, ἀλλὰ κληρικοῖς, ἢ γεωρ-
 γοῖς. Εἰ δὲ πανουργία πονηρὰ χρή-
 20 σοιντο καὶ ἐκ τοῦ γεωργοῦ ἢ τοῦ
 κληρικοῦ ὠνήσῃται ἀρχῶν τὸν
 ἀγρὸν, καὶ οὕτω ἀκυρον εἶναι τὴν
 πρᾶσιν, καὶ ἀποκαθίστασθαι ἐν τῷ
 ἐπισκοπεῖω ἢ ἐν τῷ μοναστηρίῳ, καὶ
 25 ἐπίσκοπο ἢ ἡγούμενο τοῦτο ποιῶν,
 ἐκδιωχθήτω, δὲ μὲν ἐπίσκοπο τοῦ
 ἐπισκοπείου, δὲ δὲ ἡγούμενο τοῦ
 μοναστηρίου, ὡς διασκορπίζοντες
 κακῶς & οὐ συνήγαγον.

ΙΓ

30 Ὅτι μεγάλη κατακρίσεως ἀξιοί
 εἰσιν οἱ τὰ μοναστήρια κοινούμενοι 2

Ἐπειδὴ διὰ τὴν γενομένην κατὰ τὰ
 ἁμαρτία ἡμῶν συμφορὰν ἐν ταῖς ἐκ-
 κλησίαις καθηρπάγησάν τινες εὐαγεῖ
 35 οἶκοι ὑπὸ τινῶν ἀνδρῶν, ἐπισκοπεῖ
 τε καὶ μοναστήρια, καὶ ἐγένοντο κοι-
 νὰ καταγώγια· εἰ μὲν οἱ διακρατοῦν-
 τε ταῦτα προαιροῦνται ἀποδιδόναι,
 ἵνα κατὰ τὸ ἀρχαῖον ἀποκαταστα-
 40 θῶσιν, εὖ καὶ καλῶ ἔχει* εἰ δὲ μὴ
 γε, εἰ μὲν τοῦ καταλόγου τοῦ ἱερα-

principum manus, vel etiam alii
 personae conferre, irritum sit quod
 datum esse constiterit, secundum
 canonem sanctorum apostolorum
 qui dicit: „Omnium ecclesiastica-
 rum rerum episcopus sollicitudinem
 habeat, et dispenset eas tamquam
 Deo contemplante; non liceat autem
 ei fraudare quidquam ex illis, vel co-
 gnatis propriis donare quae Dei
 sunt. Quod si pauperes fuerint, ut
 pauperibus largiatur: sed non sub
 eorum occasione quae sunt eccle-
 siae defraudentur/41 Quod et excu-
 sationem si praetenderint, damnum
 facere, et nihil ad profectum agrum
 exsistere; nec sic principibus qui
 per loca illa sunt, tribuatur ager
 vel locus, sed clericis vel agricul-
 toribus. Quod si calliditate usus
 fuerit, et a colono vel clerico emerit
 princeps agrum; etiam sic irrita sit
 venditio, et restituatur episcopo
 vel monasterio: et episcopus vel
 abbas hoc faciens abiiciatur, episco-
 pus quidem ab episcopo, abbas au-
 tem a monasterio, tamquam qui dis-
 pergat male quae non collegit.

XIII

*Quod in magna damnatione sint hi, qui mona-
 steria communia faciunt habitaculi*

Quoniam propter calamitatem, quae
 pro peccatis nostris in ecclesiis facta
 est, subreptae sunt a quibusdam
 viris quaedam venerabiles domus,
 tam videlicet episcopia, quam mo-
 nasteria, et facta sunt communia
 diversoria: si quidem voluerint ii
 qui haec retinent, reddere ea, ut
 secundum antiquitatem instauren-
 tur, bene et optime: alioquin, si de

¹ Can. ap. 38 (CSP 26-27).

* Cf. conc. Chalced., c. 24 (v. supra p. 98); conc. Quinisext. (692), c. 49 (CCO 187).

monastic farmland to the control of the ruler, or has been conceding it to another person, the transaction is null and void in accordance with the canon of the holy apostles which stipulates: “Let the bishop take care of all ecclesiastical affairs, and let him administer them as if under God’s inspection. It is not permitted him to appropriate any of these things, nor to make a present of the things of God to his own relatives. Should the latter be poor, let him care for them as for other poor people, but let him not use them as an excuse for selling off the church’s possessions”.¹² However, if he pretends that the land is a loss and brings in no profit at all, let him make a present of the place to clerics or landworkers, but even in these circumstances it should not be given to the local rulers. If they use evil cunning and the ruler buys up the land from the landworker or the cleric in question, this sale shall also be null and void in such circumstances, and the land should be restored to the bishopric or monastery. And the bishop or monastic superior who acts thus should be expelled, the bishop from the episcopal house and the monastic superior from the monastery, because they wickedly waste what they have not gathered.

13

*Those who turn monasteries into public houses deserve great condemnation*¹

On account of the disaster which came about in the churches due to our sins, certain venerable houses — episcopal buildings as well as monasteries — were seized by certain men and became public inns. Now if those who hold them choose to restore them, so that they are established once more as formerly they were, this is good and excellent. However if such is not the case, should they be

¹ Apostolic canons 38 (CSP 26-27; trans. Percival 596).

² See council of Chalcedon, canon 24 (see above p. 98); Quinisext council (692), canon 49 (CCO 187; trans. Percival 388).

τικοῦ εἰσι, τοῦτου καθαιρεῖσθαι προστάσσομεν, εἰ δε μοναχοὶ ἢ λαϊκοί, ἀφορίζεσθαι, ὡ ὄντα κατακρίτου ἀπὸ τοῦ πατρὸς καὶ τοῦ υἱοῦ καὶ τοῦ ἁγίου πνεύματος, καὶ τετάχθωσαν ὅπου ὁ σκώληξ οὐ τελευτῇ καὶ τὸ πῦρ οὐ σβέννυται¹, διτῇ τοῦ κυρίου φωνῇ ἐναντιοῦνται, τη λεγούσῃ* * Μὴ ποιεῖτε τὸν οἶκον τοῦ πατρὸς μου οἶκον ἐμπορίου.²

sacrato catalogo fuerint, hos deponi praecipimus: si vero monachi vel laici, excommunicari: quos nimirum constat condemnatos esse a Patre et Filio et Spiritu sancto: et depu- tentur, *ubi vermis non moritur, et ignis non exstinguitur*¹: quia voci Domini adversantur, quae dicit: *Non faciatis domum Patris mei domum negotiationis*³.

10

XIV

"Οτι οὐ χρή ἐκτὸ χειροθεσία ἀναγινώσκειν ἐν τῇ συνάξει ἐπὶ ἀμβωνο³

non oporteat sine manus impositione legere in toilleta super ambonem^P

"Οτι τάξι ἐμπολιτεύεται ἐν Ἱεροσύνῃ, πᾶσιν ἀρίδηλον, καὶ ἀκριβείᾳ διατηρεῖν τὰ τῇ Ἱεροσύνῃ ἐγχειρίσει θεῷ εὐάρεστον. Καὶ ἐπειδὴ ὁρῶμεν ἐκτὸ χειροθεσία νηπιόθεν τὴν κουράν τοῦ κλήρου λαμβάνοντά τινος, μήπω δὲ παρ' ἐπισκόπου χειροθεσίαν λαβόντα, καὶ ἀναγινώσκοντα ἐν τῇ συνάξει ἐπ' ἀμβωνο, ἀκανονίστω τοῦτο ποιοῦντα, ἐπιτρέπομεν ἀπὸ τοῦ παρόντος τοῦτο μὴ γίνεσθαι^Γ τὸ αὐτὸ δὲ φυλάττεσθαι καὶ ἐπὶ μονάχων.

Quia ordo debet in sacratione custodiri, omnibus liquet: et cum diligentia conservare sacerdotii promotiones, Deo est prorsus acceptum. Et quoniam videmus sine manus impositione a parvula aetate tonsuram clerici quosdam accipientes, nondum ab episcopo manus impositione percepta super ambonem irregulariter in collecta legentes, praecipimus, amodo id minime fieri: id ipsum quoque conservandum est etiam inter monachos.

15

20

25

Ἀναγνώστου δὲ χειροθεσίαν ἀδειὰ ἐστὶν ἐν ἰδίῳ μοναστηρίῳ καὶ μόνον ἕκαστος ἡγουμένῳ ποιεῖν, εἰ αὐτὸ τῷ ἡγουμένῳ ἐπετέθη χειροθεσία παρὰ ἐπισκόπου πρὸ προεδρίαν ἡγουμένου, δῆλον δὲντο αὐτοῦ πρεσβυτέρου. Ὡσαύτως καὶ κατὰ τὸ ἀρχαῖον ἔθος τοῦ χωρεπισκόπου κατ' ἐπιτροπὴν τοῦ ἐπισκόπου δεῖ προχειρίζε^Ι ἀναγνώστα.

Lectoris autem manus impositionem licentia est unicuique abbati in proprio monasterio solummodo faciendi, si dumtaxat abbati manus impositio facta noscatur ab episcopo secundum morem praeficendorum abbatum, dum constet illum esse presbyterum. Simili modo secundum antiquam consuetudinem chorepiscopos praeceptione episcopi oportet promovere lectores.

30

85

¹ Mr 9, 47. * Io 2, 16.

» Cf. conc. Carth. (419), c. 16 (CSP 230); conc. Quinisext. (692), c. 33 (CCO 166-167).

inscribed in the list of priests, we order that they be suspended, and if they are monks or lay persons, that they be excommunicated, seeing that they are criminals condemned by the Father, the Son and the holy Spirit, and let them be assigned *there where the worm does not die and the fire is not quenched*¹, because they oppose the voice of the Lord declaring, *You shall not make my Father's house a house of trade*².

14

Without the imposition of hands no person should read from the ambo during the church service-"

It is perfectly clear to everyone that a certain order has been established in the priesthood, and that it is God's good pleasure that the appointment to priestly offices should be observed with care. However we have noticed that some, without the imposition of hands, are adopting the clerical tonsure while still youngsters, and without having received the imposition of hands from the bishop they are undertaking to read publicly from the ambo during the church service, even though they are acting uncanonically. We urge therefore that this be discontinued, and that the same regulation be observed among monks.

Each monastic superior has permission for the imposition of hands on a reader for his own monastery, and only for that monastery, provided that the monastic superior has himself received from the bishop the imposition of hands to rule there, and obviously provided that he is himself a priest. Similarly it is an ancient custom that chorepiscopi, with the permission of the bishop, should appoint readers.

¹ Mk 9, 47. ² Jn 2, 16.

See council of Carthage (419), canon 16 (CSP 230; trans. Percival 450); Quinisext council (692). canon 33 (CCO 166-167; trans. Percival 381). V

I E

"Οτι οὐ δεῖ κληρικόν ἐν δυσὶν ἐκκλη-
σῖαι κατατάττεσθαι¹

Κληρικὸ ἀπὸ τοῦ παρόντος μὴ κα-
ταταττέσθω ἐν δυσὶν ἐκκλησίαι '
s εμπορία γάρ καὶ αἰσχροκέρδεια
τοῦτο ἴδιον καὶ ἀλλότριον ἐκκλησια-
στική συνήθεια ' ἡκούσαμεν γάρ
ἐξ αὐτῆ τῇ κυριακῇ φωνῇ , δι-
' οὐ δύναται τι δυσὶ κυριοὶ δουλεύ-
10 ειν, ἢ γάρ τὸν εἷνα μισήσει καὶ τὸν
ἕτερον ἀγαπήσει, ἢ τοῦ ἐνδὸς ἀνθέ-
ξεται καὶ τοῦ ἐτέρου καταφρονήσει. '2
'Εκαστο * οὖν κατὰ τὴν ἀποστολι-
κήν φωνήν, ' ἐν ᾧ ἐκλήθη, ἐν τούτῳ
15 οφείλει μένειν καὶ προσεδρεύειν ἐν
μια ἐκκλησίᾳ' τὰ γάρ δι' αἰσχροκέρ-
δειαν γινόμενα ἐπὶ τῶν ἐκκλησια-
στικῶν πραγμάτων, ἀλλότρια τοῦ
θεοῦ καθεστήκασιν. Πρὸς δὲ τὴν τοῦ
s0 βίου τούτου χρεῖαν ἐπιτηδεύματα εἰ-
σι διάφορα' ἐξ αὐτῶν, εἴ τι βού-
λοιο, τὰ χρεῖώδη τοῦ σώματος πο-
ριζέσθω' ἔφη γάρ ὁ ἀπόστολος '-
* Ταῖς χρεῖαις μου καὶ τοῖς οὐσι μετ'
25 ἐμοῦ ὑπηρέτησαν αἱ χεῖρες αὐταί.'4
Καὶ ταῦτα μὲν ἐν ταύτῃ τῇ θεοφύ-
λακτοι πόλει' ἐν δὲ τοῖς ἐξω χω-
ριοῖς διὰ τὴν ἐλλειψιν τῶν ἀνθρώ-
πων παραχωρεῖσθω.

I S

30 "Οτι οὐ δεῖ ἱερατικόν ἄνδρα ἱματίοις
πολυτελέσιν ἀμφιεννυσθαι⁵

Πάσα βλακεία καὶ κόσμησις σωμα-
τική ἀλλοτρία ἐστὶ τῇ ἱερατικῇ
τάξεω ' τοῦ οὖν ἑαυτοῦ κοσμοῦν-
35 τα ἐπισκόπου ἢ κληρικοῦ , δι'

X V

*Quod non oporteat clericum duabus
ecclesiis connumerari¹*

Clericus ab instanti tempore non
connumeretur in duabus ecclesiis.
Negotiationis enim est hoc et turpis
commodi proprium, et ab ecclesi-
astica consuetudine penitus alienum.
Audivimus enim ex ipsa dominica
voce: *Quia nemo potest duobus dominis
servire, aut enim unum odio habebit, et
alterum diliget: aut unum sustinebit et
alterum contemnet*². Unusquisque ergo
secundum apostolicam vocem, *in
quo vocatus est, in hoc debet manere*², et
in una locari ecclesia. Quae enim
per turpe lucrum in ecclesiasticis
rebus efficiuntur, aliena consistunt
a Deo. Ad vitae vero huius necessi-
tatem studia sunt diversa: ex his
vero qui voluerit, acquirat corporis
opportuna. Ait enim Apostolus:
*Ad ea quae mihi opus erant, et bis
qui mecum sunt, ministraverunt manus
istae*^{*}. Et haec quidem in hac a Deo
conservanda urbe. Ceterum in villis
quae foris sunt, propter inopiam
hominum indulgeatur.

X V I

*Quod non oporteat caceratum virum vestimentis
preciosis indui³*

Omnis iactantia et ornatura corpo-
ralis aliena est a sacramento ordine. Eos
ergo episcopos vel clericos qui se
fulgidis et claris vestibus ornant,

¹ Cf. conc. Nic. 1, cc. 15-16 (v. supra p. 13); conc. Chalc., cc. 10, 20 (v. supra pp. 92, 96);
Can. ap. 15 (CSP 15); conc. Antioch. (341), c. 3 (CSP 106); conc. Sard. (342/343), cc. 15-16
(CSP 182-183); conc. Carth. (419), cc. 54, 90 (CSP 277-279, 334); conc. Quinisext. (692),
cc. 10, 15 (CCO 137, 144).

« Mt 6, 24. 1 1 Cor 7, 20. ' Ac 20, 34.

⁵ Cf. conc. Gangr. (ca 340), cc. 12, 21 (CSP 94, 98); conc. Quinisext. (692), c. 27 (CCO
158).

15

A cleric should not be appointed to office in two churches

From now on, no cleric should be appointed to office in two churches. Such a procedure savours of commerce and sordid profit-making, and is quite foreign to ecclesiastical custom. We have learned from the Lord's own voice: *No one can serve two masters, because either he will hate the one and love the other, or he will be devoted to the one and despise the other*². Therefore, following the advice of the apostle, *Each should stay where he has been called*^{*}, and remain in one church. In ecclesiastical matters, whatever is done for the sake of sordid gain constitutes something alien to God. But as far as the needs of this present life are concerned, there are various gainful occupations; each may use these, as he prefers, to procure what is needed for the body. As the apostle said: *These hands of mine have provided for my own needs and for the persons accompanying me*⁴. These are the regulations for this God-protected city; for what concerns places in the country, a concession may be granted because of the lack of population.

16

*/1 man in the priesthood should not wear expensive clothes*⁵

All indulgence and adornment bestowed on the body is alien to the priestly order. Therefore all those bishops and clerics who deck themselves out in

¹ Sec council of Nicaea I, canons 15-16 (see above p. 13); council of Chalcedon, canons 10,20 (see above pp. 92, 96); Apostolic canons 15 (CSP 15; trans. Percival 594); council of Antioch (341), canon 3 (CSP 106; trans. Percival 109); council of Sardica (342/343), canons 15-16 (CSP 182-183; trans. Percival 429-430); council of Carthage (419), canons 54,90 (CSP 277-279, 334; trans. Percival 468, 485); Quinisext council (692), canons 10, 15 (CCO 137, 144; trans. Percival 369, 373).

² Mt 6, 24. ³ 1 Cor 7, 20. ^{*} Ac 20, 34.

⁵ See council of Gangra (about 340), canons 12, 21 (CSP 94, 98; trans. Percival 97, 101); Quinisext council (692), canon 27 (CCO 158; trans. Percival 377).

ἐσθήτων λαμπρῶν καὶ περιφανῶν, τοῦτου διορθοῦσθαι χρή' εἰ δὲ ἐπιμένοινεν, ἐπιτιμίῳ παραδίδοσθαι|
 ωσαύτω καὶ τοῦ τὰ μύρα χριομέ-
 νου. Ἐπειδὴ δὲ ρίζα πικρία ἄνω
 φύουσαι μίασμα γέγονεν ἐν τῇ κα-
 θολικῇ ἐκκλησίᾳ ἡ τῶν χριστιανο-
 κατηγορῶν αἵρεσι, καὶ οἱ ταύτην
 δεξάμενοι οὐ μόνον τὰ εἰκονικὰ
 ἀναζωγραφήσει ἐβδελύαντο, ἀλλὰ
 καὶ πᾶσαν εὐλάβειαν ἀπώσαντο, τοῦ
 σεμνῶ καὶ εὐσεβῶ βιοῦντα προσ-
 οχθίζοντε, καὶ πεπλήρωται ἐπ' αὐ-
 τοῖ τὸ γεγραμμένον 'Βδέλυγμα
 ἁμαρτωλῶ θεοσεβεία.'⁵ εἰ εὐρεθῶσι
 τοῖνυν ἐγγελῶντε τοῖ τὴν εὐτελή
 καὶ σεμνήν ἀμφίαν περικειμένοι,
 δι' ἐπιτιμίου διορθοῦσθωσαν ἐκ
 γὰρ τῶν ἄνωθεν χρόνων πα ιερα-
 τικὸ ἀνὴρ μετὰ μέτρια καὶ σεμνή
 ἀμφιάσεω ἐπολιτεύετο* παν γὰρ δ
 μὴ διὰ χρεῖαν, ἀλλὰ διὰ καλλωπι-
 σμὸν παραλαμβάνεται, 'περπερεία'
 ἔχει κατηγορίαν, ὥ δὲ μέγα ἔφη
 Βασίλειο.³ Ἄλλ' οὐδὲ ἐκ σηρικῶν
 ὑφασμάτων πεποικιλμένην ἐσθήτα
 ἐνδεδυτό τι, οὐδὲ προσετίθεσαν
 ἑτερόχροα ἐπιβλήματα ἐν τοῖ ἄκροι
 τῶν ἱματίων' ἤκουσαν γὰρ ἐκ τῇ
 θεοφθόγγου γλώσσει, ὅτι * οἱ τὰ μα-
 λακὰ φοροῦντε ἐν τοῖ οἶκοι τῶν
 βασιλέων εἰσίν.'¹

emendari oportet. Quod si in hoc
 permanserint, epitimio tradantur.
 Similiter eos qui unguentis inungun-
 tur. Quoniam vero, radice amaritu-
 dinis exorta, contaminatio facta est
 in catholica ecclesia christianos ca-
 lumniantium haeresis, etiam hi qui
 hanc receperunt, non solum imagi-
 narias picturas abominati sunt, sed
 et omnem reverentiam repulerunt,
 eos qui religiose ac pie vivunt,
 offendentes: ac per hoc completur
 in eis quod scriptum est: *Abominatio
 est peccatori Dei cultus*². Igitur si in-
 venti fuerint deridentes eos qui vili-
 bus et religiosis vestimentis amicti
 sunt, per epitimium corrigantur.
 Priscis enim temporibus omnis sa-
 cratus vir cum mediocri ac vili veste
 conversabatur. Omne quippe quod
 non propter necessitatem suam, sed
 propter venustatem accipitur „ela-
 tionis" habet calumniam, quemad-
 modum magnus ait Basilius³. Sed
 neque ex sericis texturis vestem quis
 variatam induebat, neque appone-
 bat variorum colorum ornamenta in
 summitatibus vestimentorum. Au-
 dierant autem ex deifona lingua,
 quia *qui mollibus vestiuntur, in domi-
 bus regum sunt*^{fi}

IZ

"Ὅτι μὴ ἔχων τι τὰ πρό ἁπαρτισμὸν
 μὴ ἐπιχειρεῖν κτίζειν εὐκτήριον οἶκον

"Ὅτι τινὲ τῶν μοναχῶν καταλιπόν-
 τε τὰ ἑαυτῶν μοναστήρια, ἐφιέμε-
 νοι ἀρχειν, καὶ τὸ ὑπακούειν ἀπα-
 ναινόμενοι, ἐγχειρίζουσι κτίζειν εὐ-
 κτηρίου οἴκου, τὰ πρό ἁπαρ-
 τισμὸν μὴ ἔχοντε. Εἰ τι οὖν τοῦτο

XVII

*Ut qui non habet ea quae ad consummationem
 tufficiant, minime oratoriam aedificare domum
 incipiat*

Quia quidam monachorum deserentes
 monasteria sua, praeesse anhe-
 lantes, et obedire renuentes, incho-
 ant construere oratorias domos, ea
 quae ad perfectionem necessaria
 sunt non habentes: quisquis igitur

¹ Cf. Dt 29,18; Heb 12,15. ¹ Edi 1,32.

³ Basilius Cacs., *Rjg.fus.* 22 (PG 31, 977).

« Mt 11,8.

brilliant and showy clothes should be called to order, and if they persist let them be punished. The same holds for those who use perfumes. However, since the root of bitterness has sprouted¹, there has appeared in the catholic church the plague of a heresy which delights in the defamation of Christians. Those who adopt this heresy not only heap insults on representational art, but also reject all forms of reverence and make a mockery of those who live pious and holy lives, thus fulfilling in their own regard that saying of scripture, *For the sinner piety is an abomination*². So if persons are found who make fun of those who wear simple and respectful clothing, they should be corrected with punishment. Indeed, from the earliest times all those ordained to the priesthood have been accustomed to present themselves in public dressed in modest and respectful clothing, and anyone who adds to his apparel for the sake of decoration and not out of necessity deserves, as the great Basil remarked, to be accused of “vainglory”³. Neither did anyone dress in variegated clothes made of silk, nor did they add various coloured ornaments to the fringes of their garments. They had heard the tongue that spoke God’s words declare, *Those who dress in soft clothes are in the houses of kings*⁴.

17

Someone who lacks adequate resources should not undertake to found a house of prayer

Some monks abandon their own monasteries because they desire to be in authority and disdain obeying others, and then they attempt to found houses of prayer, although they lack adequate resources. If somebody undertakes to do

¹ See Dt 29, 18; Heb 12, 15. ² Eccl 1, 32.

³ Basil of Caesarea, *Reg. fus (Longer rules)* 22 (PG 31, 977). ⁴ Mt 11, 8.

ἐπιχειρήσοι ποιεῖν, κωλυέσθω ὑπό
τοῦ κατὰ τὸν τόπον ἐπισκόπου* εἰ
δὲ τὰ πρό ἀπαρτισμόν ἔχοι, τὰ βε-
βουλευμένα αὐτῷ εἰ πέρα ἀγέ-
5 σθωσαν. Τὸ αὐτὸ δὲ φυλάττεσθαι
καὶ ἐπὶ λαϊκῶν καὶ κληρικῶν.

IH

"Οτι οὐ δεῖ γυναῖκα ἐνδῖαιτάσθαι ἐν
ἐπισκοπείοι, ἢ ἐν ἀνδρείοι μοναστη-
10 ρίοι 1

Ἀπρόσκοποι γίνεσθε καὶ τοῖ ἐξω-
θεν², φησὶν ὁ θεῖο ἀπόστολο * τὸ
δὲ γυναῖκα ἐνδῖαιτάσθαι ἐν ἐπισκο-
πείοι, ἢ καὶ μοναστηρίοι, παντὸ
is προσκόμματο αἴτιον. Εἰ τι οὖν
δούλην ἢ ἐλευθέραν ἐν τῷ ἐπισκο-
πείῳ κτῶμενο φωραθεῖη ἢ ἐν τῷ
μοναστηρίῳ, πρό ἐγχείρησιν διακο-
νία τινὸς, ἐπιτιμάσθω* ἐπιμένων
-0 δέ, καθαιρείσθω. Εἰ δὲ καὶ τύχοι
ἐν προαστείοι γυναῖκα εἶναι, καὶ
θελήσοι ὁ ἐπίσκοπο ἢ ὁ ἡγούμενο
την πορείαν ἐν τοῖ ἐκεῖσε ποιήσα-
σθαι, παρόντο ἐπισκόπου, ἢ ἡγου-
25 μενοῦ, μηδὲ ὅλῳ ἐγχείρησιν διακο-
νία ποιεῖσθαι κατ' ἐκεῖνον τὸν και-
ρὸν γυναικί, ἀλλ' ἰδιαζέτω ἐν ἑτέρῳ
τόπῳ, εἰ μὴ τὴν ἀπαναχώρησιν
ποιήσῃται ὁ ἐπίσκοπο *, διὰ τὸ ἀν-
so ἐπίληπτον.

IO

Περὶ τοῦ ἐκτὸς δοσίων τὰ καταταγὰ
τῶν Ἱερατικῶν, μοναχῶν τε καὶ μονα-
στριῶν γίνεσθαι³

Τοσοῦτον κατενεμήθη τῇ φιλαργυ-
35 ρία τὸ μῦθο εἰ τοῦ ἡγήτορα

® ἢ ὁ ἡγούμενο *add, v. l. CCO*

1 Cf. conc. Nie. I, c. 3 (v. supra p. 7); conc. Ancyrr. (314), c. 19 (CSP 70); Basilios Caes., c. 88 (CPG 169-172).

* *Cf.* 1 Cor 10, 32; Col 4, 5; 1 Th 4, 11.

3 Cf. conc. Chalcedon, c. 2 (v. supra p. 87); conc. Quinisext. (692), cc. 22-23 (CCO 153-154); Can. ap. 29 (CSP 21); Basilios Caes., c. 90 (CPG 175-178).

hoc visus fuerit agere, prohibeatur
a loci episcopo. At vero si sumptus
sufficientes ad perfectionem ha-
buerit, quae ab ipso desiderantur,
ad terminum perducantur. Idipsum
autem servandum est etiam super
laicis et clericis.

xvni

*Quid non oportet feminas habitare in episcopii,
vel virorum monasteriis*

Sine offensione estote his etiam qui
foris sunt², divinus dicit Apostolus.
Feminas autem commorari in epi-
scopiis, vel etiam monasteriis, om-
nis est offensionis materia. Quisquis
ergo ancillam vel liberam in episco-
pio possidere claruerit, vel in mo-
nasterio ad opus ministerii alicuius,
increpetur: si autem permanserit,
deponatur. Porro si contigerit in
proastiis feminas esse, et voluerit
episcopus vel abbas iter ad eas fa-
cere, praesente episcopo vel abbate
nullatenus monasterii opus facere
eo tempore mulieri liceat, sed seor-
sum moretur in alio loco, donec
episcopus vel abbas recedat, propter
irreprehensibilitatem.

XIX

*Ut sine dat'onibus sponsiones sacrorum virorum,
monachorum quoque ac monacharum fiant**

In tantum inolevit avaritiae facinus
in rectores ecclesiarum, ut etiam

this, let him be prevented by the local bishop. If someone possesses adequate resources, however, his plans should be brought to completion. The same ruling holds for both laity and clerics.

18

Women should not live in the houses of bishops nor in male monasteries'

Be irreproachable even for those outside¹, says the divine apostle. Now for women to live in the houses of bishops or in monasteries is a cause for every son of scandal. Therefore if anybody is discovered to be keeping a woman, whether a slave or free, in the bishop's house or in a monastery in order to undertake some service, let him be censured, and if he persists let him be deposed. Should it happen that women are living in the suburban residence and the bishop or monastic superior wishes to journey there, no woman should be allowed to undertake any sort of work during the time that the bishop or monastic superior is present; she should stay on her own in some other area until the bishop" has retired, in order to avoid all possible criticism.

19

On the acceptance of candidates to be priests, monks or nuns without the presentation of gifts?

The blight of avarice has spread to such an extent among ecclesiastical author-

or the monastic superior *added in variant reading in CCO*

¹ See council of Nicaea I, canon 3 (see above p. 7); council of Ancyra (314), canon 19 (CSP 70; trans. Percival 71); Basil of Caesarea, canon 88/89 (CPG 169-172; trans. Percival 610).

² See 1 Cor 10, 32; Col 4, 5; 1 Th 4, 11.

³ See council of Chalcedon, canon 2 (see above p. 87); Quinisext council (692), canons 22-23 (CCO 153-154; trans. Percival 376); Apostolic canons 29 (CSP 21; trans. Percival 595); Basil of Caesarea, canon 90/91 (CPG 175-178; trans. Percival 610).

τῶν ἐκκλησιῶν, ὥστε καὶ τινὰ τῶν λεγομένων εὐλαβῶν ἀνδρῶν τε καὶ γυναικῶν, ἐπιλαθομένου τὰ ἐντολὰ τοῦ κυρίου, ἐ απατηθῆναι, καὶ διὰ χρυσίου τὰ εἰσδοχὰ τῶν προσερχομένων τῷ τε Ἱερατικῷ τάγματι καὶ τῷ μονήρει βίῳ ποιεῖσθαι. Καὶ γίνεται, ὧν ἡ ἀρχὴ ἀδόκιμος, καὶ τὸ παν ἀπόβλητον¹, ὡς φησὶν ὁ μέγας Βασίλειος· οὐδὲ γὰρ θεῷ διὰ μαμωνᾶ δουλεύειν ἐξεστίν®. Εἰ τι οὖν εὐρεθῇ τούτο ποιῶν, εἰ μὲν ἐπίσκοπος εἴη ἢ ηγούμενος ἢ τι τοῦ Ἱερατικοῦ, ἢ παυσάσθω ἢ καθαιρεῖσθω, κατὰ τὸν δεῦτερον κανόνα τῇ ἐν Καλχηδόνι ἀγία συνόδου· εἰ δὲ ἡγουμένη, ἐκδιωχθήτω ἐκ τοῦ μοναστηρίου καὶ παραδοθήτω ἐν ἑτέρῳ μοναστηρίῳ πρὸ ὑποταγῆς ὡσαύτως καὶ ηγούμενος μὴ ἰχῶν χειροτονίαν πρεσβυτέρου.

Ἐπὶ δὲ τῶν παρὰ γονέων διδομένων δίκην προικῶν τοῖς τέκνοις, ἢ ιδιοκτητῶν αὐτῶν πραγμάτων προσαγομένων, ὁμολογούντων τῶν προσαγόντων ταῦτα εἶναι αφιερωμένα τῷ θεῷ, ὠρίσαμεν, κἂν τε μείνη, κἂν τε ἐξέλθῃ, μένειν αὐτὰ ἐν τῷ μοναστηρίῳ, κατὰ τὴν ὑπόσχεσιν αὐτοῦ, εἰ μὴ εἴη αἰτία τοῦ προεστώτος.

K

"Ὅτι θὺ δεῖ ἀπὸ τοῦ παρόντος γίνεσθαι διπλοῦν μοναστήριον καὶ περὶ τῶν διπλῶν μοναστηρίων³

Ἀπὸ τοῦ παρόντος ὀρίζομεν μὴ γίνεσθαι διπλοῦν μοναστήριον, ὅτι σκάνδαλον καὶ πρόσκομμα τοῖς πολλοῖς γίνεται τούτο. Εἰ δὲ τινε μετὰ συγγενῶν προαιρῶνται ἀποτάξασθαι καὶ τῷ μονήρει βίῳ κατακολουθεῖν, τοῦ μὲν ἀνδρᾶ δεῖν ἀπ-

quidam eorum qui dicuntur religiosi viri atque mulieres, obliviscentes mandatorum Domini, decipiantur, et per aurum introitus accedentium tam ad sacratum ordinem, quam ad monasticam vitam efficiant. Unde fit, ut „quorum initium improbable est, omnia sint proficienda*^o, ut magnus ait Basilius, neque enim Deo per mammona servire licet®. Si quis ergo inventus fuerit hoc faciens, si quidem episcopus vel abbas exstiterit, vel quilibet de sacrato collegio, aut desinat aut deponatur, iuxta secundam regulam sancti Chalcedonensis concilii; abbatissa vero eiiciatur de monasterio, et tradatur in alio monasterio ad sublectionem; similiter et abbas qui non habuerit manus impositionem presbyteri.

Porro quae filiis a parentibus dantur more dotis, vel si qua ex propriis rebus acquisita offeruntur, proficientibus his qui ea offerunt Deo dicenda, definimus, sive perseveraverint, sive exierint, manere illa in monasterio secundum repromissionem ipsorum, nisi fuerit culpa praelati.

XX

Oporteat amodo duplex monasterium A". *de duplis monasteriis?*

Ex hoc definimus, minime duplex fieri monasterium; quia scandalum id et offendiculum multis efficitur. Si vero aliqui cum cognatis abrenuntiare, et monasticam vitam sectari voluerint, debent quidem viri virorum adire coenobium, feminae

¹ Basilius Caes., *De ieiunio bom.* II (PG 31, 192).

* Cf. Mt 6,24.

* Cf. conc. Quinisext. (692), cc. 46-47 (CCO 184-186).

ities that even some so-called pious men and women, forgetting the Lord's commands, have been tricked into authorizing, for the sake of cash payments, the entry of those presenting themselves for the priestly order and the monastic life. Thus it happens, as the great Basil says, "when people begin wrongly, all they do is to be rejected"¹² for it is not possible to serve God through mammon'. So, if somebody is found out to be doing this, if he is a bishop or a male monastic superior or one of the priests, let him stop or be deposed, in accordance with canon 2 of the holy council of Chalcedon. If the person is a female monastic superior, let her be expelled from the monastery and put under obedience in another monastery, and similarly for a male monastic superior who has not received priestly ordination.

With regard to gifts given by parents under the concept of dowries for their children, or with regard to the personally acquired goods that the latter present, provided that those presenting them declare that these are gifts offered to God, we have decreed that these gifts are to remain in the monastery, whether the person stays or leaves, in accordance with their explicit undertaking, unless there is a reprehensible cause on the part of the person in charge.

20

From now on it is not right that double monasteries be started, and on the subject of double monasteries?

We decree that from now on no more double monasteries are to be started, because this becomes a cause of scandal and a stumbling block for ordinary folk. If there are persons who wish to renounce the world and follow the monastic life

¹ Basil of Caesarea, *De ieiunio horn. (Homilies on fasting)* 2 (PG 31, 192).

² See Mt 6, 24.

³ See Quinisext council (692), canons 46-47 (CCO 184-186; trans. Percival 387).

ιέναι εἰ ἀνδρεῖον μονοστήριον καὶ τὰ
 γυναῖκα εἰσιέναι ἐν γυναικείῳ μο-
 ναστήριῳ) ἐπὶ τούτῳ γὰρ εὐαρε-
 στεῖται ὁ θεός .

5 Τὰ δὲ ὄντα ἕως τοῦ νῦν διπλὰ
 κρατεῖτῳσαν κατὰ τὸν κανόνα
 τοῦ ἁγίου πατρὸς ἡμῶν Βασιλείου¹,
 καὶ κατὰ τὴν διαταγὴν, αὐτοῦ
 οὕτως διατυπούσθωσαν. Μὴ δια-
 10 τίσθωσαν ἐν ἐνὶ μοναστηρίῳ μο-
 ναχοὶ καὶ μονάστριαι, μοιχεῖα γὰρ
 μεσολαβεῖ τῇ συνδιαιτήσῃ. Μὴ
 ἐχέτω παρρησίαν μοναχὸς πρὸς μο-
 νάστριαν, ἢ μονάστρια πρὸς μοναχόν,
 15 ἰδίᾳ προσομιλεῖν. Μὴ κοιταζέσθω
 μοναχὸς ἐν γυναικείῳ μοναστηρίῳ,
 μηδὲ συνεσθιέτω μονάστρια κατὰ
 μόνον. Καὶ ὅτε τὰ ἀναγκαῖα τοῦ
 βίου παρὰ τοῦ ἀνδρείου μέρους πρὸς
 20 τὰ κανονικὰ ἀποκομίζονται, ἐξω-
 θεν τῇ πόλῃ ταῦτα λαμβανέτω ἡ
 ἡγούμενη τοῦ γυναικείου μοναστη-
 ρίου μετὰ γράφῃ τίνος μονάστρια.
 Εἰ δὲ συμβῇ καὶ συγγενὴ τίνα θέλει
 25 θεᾶσασθαι: ὁ μοναχὸς, ἐπὶ παρουσίᾳ
 τῇ ἡγουμένη ταύτῃ προσομιλεῖτω
 διὰ μικρῶν καὶ βραχέων λόγων, καὶ
 συντόμῳ ἐξ αὐτῇ ἀπαναχωρεῖτω.

vero mulierum ingredi monasteri-
 um: in hoc enim placatur Deus.

Quae autem hactenus sunt dupla
 teneant secundum regulam sancti
 patris nostri Basiliil, et secundum
 praeceptionem eius ita formentur.
 Non habitent in uno monasterio
 monachi et monachae: adulterium
 enim intercipit cohabitationem. Non
 habeat aditum monachus ad mona-
 cham, vel monacha ad monachum,
 secreto ad colloctionem. Non cu-
 bet monachus in muliebri mona-
 sterio, neque singulariter cum mo-
 nacha convivetur. Et quando ne-
 cessaria vitae a virorum parte ad
 regulares deferuntur, extra portam
 haec suscipiat abbatisa monasterii
 feminarum cum quadam vetula mo-
 nacha. Porro si contigerit, ut ali-
 quam propinquam suam videre
 voluerit monachus, in praesentia
 abbatisae huic confabuletur per
 modica et compendiosa verba, et in
 brevi ab ea discedat.

KA

80 "Ὅτι οὐ δεῖ καταλιμπάνειν τοῦ μονα-
 χοῦ τὰ οἰκεῖα μοναστήρια καὶ ἐν
 ἑτέροις μεταβαίνειν²

Μὴ δεῖν μοναχόν, ἢ μονάστριαν, κα-
 ταλιμπάνειν τὴν οἰκεῖαν μονήν καὶ ἑ-
 τέρα ἀπέρχεσθαι. Εἰ δὲ τοῦτο συμ-
 35 βῇ, ξενοδοχεῖσθαι αὐτὸν ἀναγκαῖον
 προσλαμβάνεσθαι δὲ ἀνευ γνώμης
 τοῦ ἡγουμένου αὐτοῦ οὐ προσήκει.

XXI

*Quod non oporteat monachos deserere propria
 monasteria et transire in alicP*

Non oportere monachum, vel mo-
 nacham, monasterium proprium re-
 linquere et ad alia proficisci. Quod
 si contigerit hoc, recipi hunc hospi-
 tio necesse est: assumi autem eum
 sine voluntate abbatis eius non
 convenit.

» Cf. Basilius Caes., *Reg.fns.* 33 (PG 31, 997); *Reg. brev.* 108-111, 220 (ibid. 1156sq., 1228).

* Cf. conc. Chalc., c. 4 (v. supra p. 89).

along with their relatives, the men should go off to a male monastery and their wives enter a female monastery; for God is surely pleased with this.

The double monasteries that have existed up to now should continue to exist according to the rule of our holy father Basill, and their constitutions should follow his ordinances. Monks and nuns should not live in one monastic building, because adultery takes advantage of such cohabitation. No monk should have the licence to speak in private with a nun, nor any nun with a monk. A monk should not sleep in a female monastery, nor should he eat alone with a nun. When the necessary nourishment is being carried from the male area for the nuns, the female superior, accompanied by one of the older nuns, should receive it outside the door. And if it should happen that a monk wishes to pay a visit to one of his female relatives, let him speak with her in the presence of the female superior, but briefly and rapidly, and let him leave her quickly.

21

Monks ought not to leave their own monasteries and transfer to others²

It is not right for a monk or a nun to leave his or her own monastery and transfer to another. However should this occur, it is obligatory that hospitality be given, but such a person should not be accepted as a member without the agreement of his or her monastic superior.

¹ See Basil of Caesarea, *Reg. fus.* (*Longer rules*) 3 (PG 31, 997); *Reg- ^rev-* (*Shorter rules*) 108-111, 220 (ibid. 1156 ff., 1288).

² See council of Chalcedon, canon 4 (see above p. 89).

KB

"Οτι δεῖ μετ' εὐχαριστία καὶ πάση
φειδοῦ καὶ εὐλαβείᾳ μοναχοῦ, εἰ
συμβῇ, μετὰ γυναικῶν ἐσθίειν|

Θεὸς μὲν τὸ ἰδόντι ἀνατίθεσθαι, καὶ οὐ
τοῦ ἰδίου θελήμασι δουλοῦσθαι, μέ-
γα χρήμα τυγχάνει*. Εἴτε γάρ
ἐσθίετε, εἴτε πίνετε, ὁ θεὸς ἀπό-
στολὸς φησι, 'πάντα εἰ δόξαν θεοῦ
ποιεῖτε.'² Χριστὸς οὖν ὁ θεὸς ἡμῶν
ἐν τοῦ εὐαγγελίου αὐτοῦ τὰ ἀρ-
χὰ τῶν αμαρτημάτων ἐκκόπτειν
προστέταχεν* οὐ γάρ ἡ μοιχεία μό-
νον παρ' αὐτοῦ κολάζεται, ἀλλὰ καὶ
ἡ κίνησι τοῦ λογισμοῦ προ τὴν
τῇ μοιχείᾳ ἐγχείρησιν κατακέκρι-
ται, λέγοντα αὐτοῦ* 'Ὁ ἐμβλεψα
γυναικὶ πρὸ τὸ ἐπιθυμήσαι ἤδη
ἐμοίχευσεν αὐτὴν ἐν τῇ καρδίᾳ αὐ-
τοῦ.'³

"Ενθεν οὖν μαθητευθέντες, λογι-
σμοῦ οφείλομεν καθαιρεῖν* Εἰ γάρ
καὶ πάντα ἐξεστίν, ἀλλ* οὐ πάντα
συμφέρει Μ, ὡς ἐξ ἀποστολικῆς φω-
νῆς διδασκόμεθα. Ἐπ' ἀνάγκῃ οὖν ἐστὶ
παντὶ ἀνδρὶ διὰ τὸ ζῆν ἐσθίειν* καὶ
οἱ μὲν βίῳ ἐστὶ γάμου καὶ τέκνων
καὶ λαϊκῆς διαθέσεως, ἀναμιξ ἐσθίειν
ἀνδρα καὶ γυναῖκα τῶν ἀδιαβλή-
των ἐστὶ, μόνον τῷ διδόντι τροφήν
τὴν εὐχαριστίαν προσάγοντα* καὶ
μὴ διὰ τινῶν θυμελικῶν ἐπιτηδευμά-
των, εἴπουν σατανικῶν ἀσμάτων, κι-
θαρῶν τε καὶ πορνικῶν λυγισμάτων,
οἱ ἐπέρχεται προφητικὴ ἀρά, οὐ-
τωςί λέγουσα* 'Οὐαὶ οἱ μετὰ κιθά-
ρα καὶ ψαλτηρίου τὸν οἶνον πίνον-
τες, τὰ δὲ ἔργα κυρίου οὐκ ἐμβλε-
πουσι, καὶ τὰ ἔργα τῶν χειρῶν αὐ-
τοῦ οὐ κατανοοῦσι.'⁵ Καὶ εἰ πώποτε
εἶεν τοιοῦτοι ἐν τοῦ χριστιανοῦ,
διορθοῦσθωσαν* εἰ δὲ μὴ γε, κρα-

XXII

*Quod aporicat cum gratiarum actioni «t omni
parcite ac reverentia menaehoc, ii contigerit,
cumfeminii manducare|*

Deo quidem totum committere, et
non propriis voluntatibus deservire, ⁵
magna res est. *She enim manducatis,
sive bibitis*, divinus Apostolus dicit,
omnia ingloriam Deifacite-. Christus
ergo Deus noster in evangeliiis suis
initia peccatorum recidere praece- ¹⁰
pit; non enim moechia ab eo tantum
inhibetur, sed et motio cogitationis
ad moechiae commissum damnatur,
dicente eo: *Qui viderit mulierem ad
concupiscendum eam, iam moechatus est* ¹⁵
eam in corde suo|

Hinc ergo edocti, cogitationes de- ²⁰
bemus mundare: *Nam etsi omnia
licent, sed non omnia expediunt*¹, ut ex
apostolica voce docemur. Neces-
sarium ergo est omni homini man-
ducare, ut vivat. Et quidem inter ²⁵
eos, quibus vita est nuptiarum et
natorum atque laicalis affectus, man-
ducare viros et mulieres simul, nulli
detractioni patet; tantum ut ei qui
dat escam, gratias agant: et non ab ³⁰
eis per quasdam thymelicas volup-
tates satanae imago cantantibus
citharisque atque meretriciis con-
tortionibus coli videatur. Quibus
superveniet prophetica maledictio, ³⁵
quae ita dicit: *Vae qui cum cithara
et psalterio vinum bibunt, opera autem
Domini non intuentur, et opera manu-
um eius non intelligunt**. Et si usquam ⁴⁰
fuerint inter christianos huiusmodi,
corrigantur; sin autem, obtineant

¹ Cf. Can. ap. 42-43 (CSP 29-30); conc. Laod. (325/381), c. 24 (CSP 144); conc. Quinisext. (692), cc. 5, 46, 47 (CCO 130-131, 184-186); Basilius Caes., c. 88 (CPG 169-172).

» 1 Cor 10, 31.

» Mt 5, 28.

* 1 Cor 6, 12; 10, 23.

8 Is 5, 12.

*It is the duty of monks to say grace and to eat with great parsimony and propriety when occasion arises to eat in the company of women*¹

It is very important to dedicate everything to God and not to become slaves of our own desires; for *whetheryon eat or drink*, the divine apostle says, *do all for the glory of God*. Now Christ our God has instructed us in his gospels to eradicate the beginnings of sins. So not only adultery is rebuked by him, but also the movement of one's intention towards the performance of adultery, when he says: *He who looks on a woman lustfully has already committed adultery with her in his heart?*

Thus instructed we should purify our intentions: *For if all things are lawful, not all things are expedient*², as we learn from the words of the apostle. Now everybody is certainly obliged to eat in order to live, and in the case of those whose life includes marriage and children and the conditions proper to layfolk it is not reprehensible that men and women should eat in one another's company; though they should at least say grace to thank the giver of their nourishment, and they should avoid certain theatrical entertainments, diabolical songs, the strumming of lyres and the dancing fit for harlots; against all such there is the curse of the prophet which says, *Woe on those who drink their wine to the sound of lyre and harp, those who pay no attention to the deeds of the Lord and have never a thought for the works of his hands*³. If ever such people are found among Christians, they should reform, and if they do not, let the canonical sanctions established by our predecessors be imposed on them.

¹ See Apostolic canons 42-43 (CSP 29-30; trans. Percival 597); council of Laodicea (325/381), canon 24 (CSP 144; trans. Percival 144); Quinisext council (692), canons 5, 46, 47 (CCO 130-131, 184-186; trans. Percival 364, 387); Basil of Caesarea, canon 88/89 (CPG 169-172; trans. Percival 610).

² 1 Cor 10, 31. ³ Mt 5, 28. ⁴ 1 Cor 6, 12; 10, 23. ⁵ Is 5, 12.

τείτωσαν ἐπ* αὐτοῖ τὰ παρὰ τῶν
πρὸ ἡμῶν κανονικὰ ἐκδοθέντα.

Οἱ δὲ ὁ βίος ἐστὶν ἡσυχίος καὶ μονο-
νότροπος, ὡς συνταξαμένοι κυρίως τῷ
5 θεῷ ζυγὸν μονήρη, ἀραι, καθίσαι τε
καὶ σιωπῆσαι¹. Ἀλλὰ μὴν καὶ τοῖ
ἱερατικὸν ἐκλεξαμένοι βίον οὐδό-
λω ἐξεστί κατ' ἰδίαν γυναιξὶ συν-
εσθίειν, εἰ μὴπω μετὰ τινων θεοφό-
10 βων καὶ ευλαβῶν ἀνδρῶν καὶ γυναι-
κῶν, ἵνα καὶ αὕτη ἡ συνεστίασις
πρὸ κατόρθωσιν πνευματικὴν ἀπ-
άγη. Καὶ ἐπὶ συγγενῶν δὲ τὸ αὐτὸ
ποιεῖτο.

15

Εἰ δὲ καὶ αὐθι ἐν ὁδοιπορίᾳ συμ-
βῇ τὰ τῇ ἀναγκαίᾳ χρεῖᾳ μὴ
ἐπιφέρουσάιν μοναχὸν ἢ καὶ ἱερα-
τικὸν ἀνδρα, καὶ διὰ τὸ ἀναγκαῖον
Μ καταλύσαι βούλεται εἴτε ἐν πανδο-
χείῳ ἢ καὶ ἐν οἴκῳ τινὸς, ἀδειαν
ἔχειν αὐτὸν τοῦτο ποιεῖν, ὡς τῇ
χρεῖᾳ κατεπειγούσῃ.

super eis quae sunt ante nos regula-
riter edita.

Quibus autem vita est solitaria et
unius moris, ut eis videlicet qui
Domini iugum se singulare tollere
spondent, sedere et tacere convenit¹.
Sed et his qui sacratam elegere vi-
tam, nullo modo licet secreto cum
mulieribus convivari; nisi forte cum
quibusdam Deum timentibus et re-
verendis viris, vel etiam mulieribus;
quatenus et ipsa convivatio ad di-
rectionem spiritualem proficiat. Et
inter consanguineos quoque id-
ipsum efficiatur.

Rursusque si contigerit in itinere
monachum vel sacratum virum non
circumferre quae victui opportuna
sunt, et propter necessitatem diver-
tere sive in xenodochium, sive in
domum alicuius, licentiam habebit
hoc faciendi, tamquam urgente ne-
cessitate.

¹ Cf. Lm 3,27-28.

Those whose mode of life is contemplative and solitary should sit and be silent¹, because they have entered into a contract with the Lord that the yoke they carry will be a solitary one. Indeed, all those who have chosen the life of priests are certainly not free to eat privately in the company of women, but at the most in the company of certain God-fearing and pious men and women, in order that such a meal taken in common may draw them to spiritual betterment. Let the same be done in the case of relatives.

As for another situation, if a monk or even a man in priestly orders happens to be making a journey and is not carrying with him his indispensable provisions, and then wishes to satisfy his needs in a public inn or in someone's house, he is allowed to do so when it is a case of pressing necessity.

¹ See Lm 3, 27-28.

Constantinople IV
869-870

INTRODUCTION

This council, designated as the eighth ecumenical council by western canonists, is not found in any canonical collections of the Byzantines; its acts and canons are completely ignored by them. Modern scholars have shown that it was included in the list of ecumenical councils only later, that is, after the eleventh century. We have decided to include the council, for the sake of historical completeness.

Emperor Basil I and the patriarch Ignatius, after being restored to his see of Constantinople, asked Pope Nicholas I to call a council to decide about the bishops and priests who had been ordained by Photius. It was held at Constantinople after the arrival of legates from Pope Hadrian II, who had meanwhile succeeded Nicholas. These legates were Donatus, Stephen and Marinus and they presided at the council. It began in the cathedral of Hagia Sophia on 5 October 869*. The tenth and last session was held on 28 February 870, when 27 canons were read out and approved by the council. All who were willing to sign the *Liber satisfactionis*, which had been sent by Pope Hadrian II, were admitted to the council. The account made by Anastasius contains the authentic list of those who signed the acts of the council. Emperor Basil I and his sons, Constantine and Leo, signed the acts after the patriarchs and in the same year they promulgated the council's decisions, after drawing up a decree for this purpose.

As regards the canonical authority of these deliberations, various facts regarding the council held in the cathedral of Hagia Sophia in November 879, so that Photius might be restored to the see of Constantinople, should be remembered. Peter, a Roman cardinal, presided at this council. It took account of a letter of Pope John VIII, which had been sent to the emperor and translated into Greek. This reads (chapter 4): "We declare that the synod held at Rome against the most holy patriarch Photius in the time of the most blessed pope Hadrian, as well as the holy synod of Constantinople attacking the same most holy Photius (i.e., in 869-870), are totally condemned and abrogated and must in no way be invoked or named as synods. Let this not happen".¹ Some people have thought that this

¹ At this first session, on the demand of the Roman legates, the fathers put their signatures to the ancient profession of faith of Pope Hormisdas (514—523), which had been sent to the Spanish bishops, but they did not follow the exact words of the pope's letter (a critical edition can be found in W. Haacke, *Die Glaubensformel des Papstes Hormisdas im Acanischen Schisma*, Rome 1939; see D, nos. 171-172) and there were many changes and additions (Msi 16, 27-28).

² Msi 17, 490.

text had been altered by Photius'; but in the so-called "unaltered" text of the letter this passage is replaced by dots (...), and the following passage reads: "For the see of blessed Peter, the key-bearer of the heavenly kingdom, has the power to dissolve, after suitable appraisal, any bonds imposed by bishops. This is so because it is agreed that already many patriarchs, for example Athanasius ..., after having been condemned by a synod, have been, after formal acquittal by the apostolic see, promptly reinstated".⁴ Ivo of Chartres explicitly affirms: "The synod of Constantinople which was held against Photius must not be recognised. John VIII wrote to the patriarch Photius (in 879): We make void that synod which was held against Photius at Constantinople and we have completely blotted it out for various reasons as well as for the fact that Pope Hadrian did not sign its acts". Ivo adds from the instructions that John VIII gave to his legates for the council in 879: "You will say that, as regards the synods which were held against Photius under Pope Hadrian at Rome or Constantinople, we annul them and wholly exclude them from the number of the holy synods"? For these reasons there is no ground for thinking that the text was altered by Photius⁶.

An authentic copy of the acts of the council of 869-870 was sent to Rome, as of right. Anastasius, the librarian, ordered a complete copy to be made for himself. Then, when the legates' copy was stolen, he translated his own copy into Latin, on Pope Hadrian's orders, making a word for word translation. Anastasius also makes it plain that the Greeks adopted every means to distort the acts, "by abbreviating here and by expanding or changing there". He adds: "Whatever is found in the Latin copy of the acts of the eighth synod is completely free from the alloy of falsehood; however, whatever more is found in the Greek text is thoroughly infected with poisonous lies".⁷

The Greek text has been partly preserved from total destruction in the summary' of an anonymous writer who copied out anti-Photian texts. This summary has 14 canons, as opposed to the 27 of Anastasius, and only contains excerpts, dealing with the most important points, of these canons. Where comparison is possible, the Latin version of Anastasius hardly departs from the Greek text. Indeed it is so literal that at times it can only be understood by comparison with the Greek text, and when the latter is missing we must sometimes rely on conjecture⁸.

The documents printed below are taken from the following: the "Definition" from the Roman edition (= Rm) 3, 284-287; the canons from CCO 289-342. The English translation is from the Latin text, for the reasons mentioned above.

' This story' of Photius's tampering with the text is clearly unjust to him. Ivo of Chartres, in his *Decretum* (PL 161, 56), produces Pope John VIII's letter to prove that the Roman pontiff has the power to annul a decree pronounced against anyone at all, and the text he provides is the same as that of Photius; see G. Hofmann, *Ivo von Chartres uber Photius*, Orient. Christ. Per. 14 (1948) 105-137.

⁴ Msi 16, 482-483. ⁵ *Decretum* IV 76 and 77 (PL 161, 285).

^b The matter has been extensively treated by F. Dvornik, *L'affaire de Photius dans la littérature latine du Moyen-Age*, Institut imeni Kondakova IC (1938) 10-93; see id., *Le schisme de Photius*, Paris 1950, 415-422. ⁷ Msi 16, 18.

⁸ M. Raderus, *Acta sacrosancti et oecumenia concilii octavi, Constantinopolitani /V, nunc primum ex mss. codd. Bajuv. et August. Vindel. graec cum latina interpretatione*, Ingolstadt 1604; J.S. Assemani, *Bibliotheca iuris orientalis canonici et avilis*, II Rome 1766, 259-323 from Ottob. 27; Pitra 2, XX from Vatic. 483.

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TEXT AND TRANSLATION

[Terminus sanctae ac universalis octavae synodi]

Sancta, magna et universalis synodus, quae per divinam voluntatem et gratiam et sanctorum amicorum Christi ac Deo confirmatorum imperatorum nostrorum Basilii et Constantini congregata est in hac a Deo
 5 conservanda regia urbe, in famosissimo templo sanctae ac magnae nominis Sophiae, definivit subter annexa.

Connaturale omnipotentis Dei et Patris Verbum, quod firmavit caelum sicut cameram et construxit fines terrae ac caeterorum universorum statum, ut insubstantialiter esset effecit et regit et continet et salvat, qui.
 10 dicit per Isaiae prophetae vocem : *Aspice in caelum sursum, quia caelum, ut fumus, solidatum est, terra autem ut vestimentum veterascet, qui autem habitant eam, sicut haec, morientur; salutare autem meum in aeternum erit et iustitia mea non deficiet*¹; qui propter nos secundum nos factus est, et caelestem iustitiam super terram plantavit et dixit: *Caelum et terra transibunt, verba autem*
 15 *mea non transibunt*²; qui dixit ad omnes, qui in eum crediderant: *Si vos transieritis in verbo meo, veri discipuli mei eritis, et cognoscetis veritatem et veritas liberabit vos*³.

Iste solus infinitae potentiae Dominus et Deus noster, multos quidem alios ab olim et longe ante, homines mancipatos mendacio et veritatis
 20 inimicos in agro suo, id est in ecclesia, mala zizania secundum evangelicam significationem seminantes⁴, et mundum frumentum divinae iustitiae operire tentantes, veluti quidem sapientissimus et omnipotentissimus agricola, evulsit atque disperdidit, et ad id, quod omnino non est, iure convertit; salutare autem suum semper ad monendum praeparavit, et
 25 iustitiam suam firmavit, et manifestiorem exhibuit. Sed nihil minus, et in instantibus temporibus zizaniorum satore per quosdam pravissimos et impiissimos homines ecclesiasticum agrum inutilem reddere tentante; aequali eademque providentia et hunc sollicitudine dignum exhibuit et a sordibus iniquitatis eripuit atque ad puritatem revocavit antiquam;
 30 piissimum enim et tranquillissimum imperatorem nostrum, qui divinae iustitiae amator et iniustitiae hostis, et in mandatis eius manentem discipulum ipsius, demonstratum incorruptum et scientem et conservantem veritatem, excitavit ad iniustitiae peremptionem, et divinae iustitiae confirmationem. Qui per supernum auxilium et gratiam ecclesiastici
 35 tabernaculi, architectos a finibus orbis terrarum in hanc a Deo construendam et regiam urbem convocavit, et universalem synodum congregavit, quae evangelicarum sanctionum et Moysaicarum et propheticarum legum, atque apostolicorum ac paternorum necnon et synodicorum mandatorum munimina custodiens, pietatis terminos renovavit et veri-
 40 tatem et iustitiam in ecclesiasticis atriis praedicavit.

Hinc ergo et Christianorum sinceram et immaculatam fidem et dogma orthodoxae religionis omnes qui apud eam convenimus sacrati roborantes, credimus in unum Deum, in tribus consubstantialibus et divinis ac principalibus personis utputa quemadmodum tribus solibus invicem indissi-

»15 51,6. * Mt 24,35. » Io 8,31-32. 4 Cf. Mt 13, 25.

[Definition of the holy and universal eighth synod]

The holy, great and universal synod, which was assembled by God's will and the favour of our divinely approved emperors Basil and Constantine, the holy friends of Christ, in this royal and divinely protected city and in the most famous church bearing the name of holy and great Wisdom, declared the following.

The Word, of one nature with the almighty God and Father, is he who established heaven like a vault and fixed the ends of the earth and the place of all other things. He made it to be contingent and he rules, preserves and saves it. He says through the voice of the prophet, Isaiah: *Lift up your eyes to heaven, because heaven has been fashioned like smoke, but the earth shall wear out like a garment; its inhabitants shall perish like them; but my salvation shall last for ever and my justice shall not fail*. He was made like us for our sake and has established on earth heavenly justice and said, *Heaven and earth shall pass away but my words shall not pass away*². He said to all who believed in him: *If you continue in my word, you will truly be my disciples, and you will know the truth and the truth will make you free*².

It was our God and Lord of infinite power alone who, just like a farmer of supreme wisdom and power, uprooted and scattered and rightfully obliterated many others from an earlier time and from long ago who, given over to lies and in opposition to the truth, were sowing — to use the gospel image⁴ — evil tares in his field, that is, in the church, and were trying to overwhelm the pure grain of divine justice. He always prepared his manner of deliverance so as to give warning, he established his justice and revealed it with greater clarity. But nevertheless, in our time too, the sower of tares is trying to make the field of the church useless through some utterly depraved and impious people. With that one and the same providence, he has shown that this field is worthy of compassion and snatched it from the filth of iniquity and called it back to its ancient purity. For, to destroy injustice and reinforce divine justice, he has raised up, as an unwavering follower of his commandments, a person proved to be incorrupt in both his knowledge and his maintenance of the truth, our most devout and serene emperor, who is a friend of divine justice and an enemy of injustice. He, by means of the divine help and the overall favour of the church, has gathered together architects from the ends of the earth into this royal city, which must be built up by God, and has assembled a universal synod which, while guarding the strong defences of the gospel sanctions, the laws of Moses and the prophets together with the commands of the apostles and fathers as well as of the councils, has revived the established forms of right conduct and proclaimed truth and justice in the courts of the church.

Consequently, all of us bishops who have come to take part in the synod and to strengthen the true and undefiled faith of Christians and the teaching of orthodox religion, we declare our belief in one God, in three persons consubstantial, divine and autonomous, as, for example, we may look at the one nature

² Is 51, 6. ² Mt 24, 35. ³ Jn 8, 31-32. ⁴ See Me 13, 25.

milibus, vel in totidem splendoribus unam luminis intuemur naturam; unum quidem et singularem Deum secundum rationem substantiae, trinum autem vel tria, si eum secundum rationem personarum praedicamus, et neque ase ut esset factus. neque ab alio quomodolibet hoc accepisse fatemur; sed sine initio et aeternum, et solum semper existentem, et 5 secundum eadem et similiter habentem, et nullam commutationem vel conversionem admittentem; factorem et conditorem omnium intelligibilium et sensibilibus existentem; sic enim et sancta et magna Nicaena synodus exponens fidei symbolum ait: Lumen de lumine, Deum verum, Filium de Deo vero Patre manifeste praedicans, et reliqua, ut catholica 10 ecclesia accepit; quam et nos suscipientes uno sensu, vesanum et veritatis inimicum Arium anathematizamus, et omnes qui cum ipso vel secundum ipsum de thearchica et beata Trinitate τὸ ἑτεροῦσιον, id est alteritatem substantiae, et dissimilitudinem laesis sensibus opinantur. Nihilominus autem et secundam sanctam et universalem synodum suscipientes, pneu- 15 matomachum, quinimmo theomachum anathematizamus Macedonium, neque in personarum discretione differentiam substantiae Patris et Filii et divini et principalis Spiritus iuxta praedictos haeresiarchas recipientes, neque in una eademque substantia personas secundum amentissimum Sabellium confundentes; insuper et confitemur unicum Dei Verbum 20 incarnatum et factum fuisse propter nos secundum nos; non enim angelus, non legatus, sed ipse Dominus venit et salvavit nos¹, et nobiscum factus est Emmanuel; et iste erat Deus² verus, *Deus Israel*, et o³ ium *salvator*², secundum divinas et propheticas voces.

Unde et sanctissimam et nuptiarum ignaram Mariam, quae illum pe- 25 perit, proprie ac veraciter Dei genitricem fatemur, quemadmodum universalis tertia synodus, quae prius apud Ephesum congregata est, praedicavit; cum qua et nos hominis cultorem et iactantissimum atque iudaicum sensum habentem Nestorium anathematizamus, duplicem docentes unum eundemque Christum et Dominum, Deum scilicet perfectum 30 et hominem perfectum, in una persona utriusque naturae differentia, sed proprietates inconvertibiles et inconfusas perpetuo conservantem, quemadmodum et sancta universalis quarta synodus dogmatizavit; quam cum iam numeratis tribus conciliis tanquam sanctorum evangeliorum quaternitatem suscipientes, anathematizamus delirum Eutychetem et vecordem 35 Dioscorum. Quin et duas naturas in uno Christo secundum manifestiorem expositionem sanctae quintae universalis synodi praedi-⁴tes, anathematizamus Severum et Petrum et Zohoram Syrum; Origenem etiam qui vana sapuit, et Theodorum Mopsuestiae; Didymum quoque pariter et Evagrium, qui etiam secundum easdem et diversas opiniones eodem 40 perditionis irretiti sunt barathro.

Et cum praedictis synodis consonantem et eadem sentientem sanctam et universalem sextam synodum suscipientes, quae in unius Christi duabus naturis consequenter etiam duas operationes ac totidem voluntates sapienter asseveravit; anathematizamus autem Theodorum qui fuit epi-

¹ Cf. Is 35, 4. ² Is 45» 15.

of light in three suns not unlike each other or in the same number of dazzling objects. We confess, indeed, God to be one, unique in respect of substance, but threefold or three if we are speaking of him in respect of persons, and we declare he has not received from himself that he has been made, nor in any way whatsoever from anyone else; but that he is alone, ever existing without beginning, and eternal, ever the same and like to himself, and suffering no change or alteration; that he exists as the maker and source of all beings endowed with intelligence and feeling. For the holy and great synod of Nicaea spoke thus when expounding the creed: Light from light, true God, clearly declaring the Son to be from the Father who is true God, and the rest as the catholic church received it. We too, accepting this in the identical meaning, anathematize as of unsound mind and an enemy of the truth, Arius and all who, with him and following him, speculate with faulty perceptions on the term “hetero-substantial”, that is, otherness of substance and unlikeness, with reference to the divinely-ruling and blessed Trinity. But no less do we accept the second, holy and universal synod, and we anathematize that adversary of the Spirit or rather adversary of God, Macedonius; for we admit in the distinction of persons no difference of substance between the Father, the Son and the divine and autonomous Spirit, as the aforementioned heresiarchs did, nor do we confuse, like the lunatic Sabellius, the persons in one and the same substance. Moreover, we also confess that the unique Word of God became incarnate and was made like us for our sake; for it was not an angel or an envoy but the Lord himself who came and saved us¹ and was made Emmanuel with us; and he was true God, *God of Israel* and *saviour*² of all, in accordance with the divine and prophetic utterances.

For this reason we confess that Mary³, most holy and without experience of marriage, who bore him, is properly and truly mother of God, just as the third universal synod, which first assembled at Ephesus, proclaimed. In union with that council we too anathematize Nestorius, that worshipper of the man and most self-opinionated individual who possessed a Jewish mentality. We teach that the one and same Christ and Lord is twofold, that is, perfect God and perfect man, possessing in one person the differences of each nature but keeping their properties always unchangeable and unconfused, just as the fourth, holy and universal synod solemnly taught. In accepting this synod together with the three councils previously enumerated, just like the quadruplicity of the holy gospels, we anathematize the insane Eutyches and the mad Dioscorus. In addition, proclaiming the two natures in the one Christ, according to the still clearer teaching of the fifth, holy and universal synod, we anathematize Severus, Peter and Zoharas the Syrian, as well as Origen with his useless knowledge, Theodore of Mopsuestia and Didymus along with Evagrius, who also, although of the same or different opinions, were ensnared in the same pit of damnation.

Further, we accept the sixth, holy and universal synod, which shares the same beliefs and is in harmony with the previously mentioned synods in that it wisely laid down that in the two natures of the one Christ there are, as a consequence, two principles of action and the same number of wills. So, we anathematize

¹ See Is 35, 4. ² Is 45, 15.

scopus Pharan, et Sergium et Pyrrhum et Paulum et Petrum impios praesules Constantinopoliranorum ecclesiae, atque cum eis Honorium Romae, una cum Cyro Alexandriae, necnon et Macarium Antiochia ac discipulum eius Stephanum, qui malae opinionis Apollinarii et Eutychetis ac
 5 Severi impiorum haeresiarcharum dogmata sectantes, sine operatione ac sine voluntate animatam anima rationabili et intellectuali Dei carnem, sensibus laesis et revera sine ratione praedicaverunt; si enim Deus perfectus et homo perfectus unus idem Christus et Deus exstitit, certissimum est quod nulla secundum partem naturarum, quae sunt ei, sine voluntate vel
 10 sine operatione consistat, sed secundum utramque substantiam volens et operans consummaverit magnum dispensationis mysterium, quemadmodum et omnium deiloquorum chorus, ab apostolis usque ad nos hoc certissime sciens, etiam imaginem humanae illius formae depingens erexit, impendens utrique parti unius Christi distinctas invicem naturales proprietates, per quas procul dubio significationes et notiones divinae ipsius
 15 et humanae naturae inconfuse permanere creduntur.

Sicut etiam septimam sanctam et universalem in Nicaea secundo celebratam synodum orthodoxe dogmatizasse novimus, unum et eundem Christum dominum invisibilem et visibilem professam, et incomprehensibilem et comprehensibilem, et incircumscriptum et circumscriptum,
 20 impassibilem etiam et passibilem, atque inscriptibilem et scriptibilem. Cui concordans et sancta haec et universalis synodus, magna voce anathematizat Anastasium, Constantinum et Nicetam, irrationalem stercoralis nominis praesulatum vel, quod est magis dicendum, putredinem; necnon et Theodosium Ephesium et Sisinnium Pastilam et Basilium
 25 Tricacabum, quin potius et Theodoretum et Antonium atque Ioannem, quondam praesules novae Romae, regiae civitatis Christianorum, immo Christi calumniatores; quem videlicet nequaquam valuisse idolorum exterminare statuas, ut de eo pronuntiavit prophetarum catalogus, operibus et verbis praedicaverunt; adhuc etiam et Theodorum qui dictus est Crithinus, quem et haec sancta et magna synodus convocans et redarguens, magna voce anathema ipsius auribus intulit; simili quoque modo anathematizamus et omnes consentaneos et fautores eorum, a quibus dicebatur quod sermo divinae incarnationis per phantasiam et putative
 30 factus exstiterit, per abolitionem scilicet imaginis Christi et salvatoris nostri, simul etiam sublatae formae cum ea verissimae illius et deiferae carnis; bifarie quippe intelligitur omne quod nequaquam imagine comprehenditur, aut velut non existens, aut velut existens quidem, sed minime comprehensibile, utpote invisibile et obstrusum.

«0 Si quis igitur horum aliquid forte super Christo omnium nostrum Deo et salvatore perhibuerit, impius liquido declarabitur, quandoquidem unum horum non fuisse factum secundum veritatem hominem Emmanuel ostendit, alterum vero factum quidem fuisse, sed humanis proprietatibus caruisse et assumptam carnem deposuisse, ad divinam' atque incompre-
 45 hensibilitatem per omnia recursum fecisse demonstrat, quod alienum est

a supplt naturam

Theodore who was bishop of Pharan, Sergius, Pyrrhus, Paul and Peter, the unholy prelates of the church of Constantinople, and with these, Honorius of Rome, Cyrus of Alexandria as well as Macarius of Antioch and his disciple Stephen, who followed the false teachings of the unholy heresiarchs Apollinarius, Eutyches and Severus and proclaimed that the flesh of God, while being animated by a rational and intellectual soul, was without a principle of action and without a will, they themselves being impaired in their senses and truly without reason. For if the one and same Christ and God exists as perfect God and perfect man, it is most certain that none of the natures which belong to him can exist partially without a will or without a principle of action, but that he carried out the mystery of his stewardship when willing and acting in accordance with each substance; this is how the chorus of all God's spokesmen, having knowledge of it from the apostles down to our own time, have constructed a colourful representation of that human form, assigning to each part of the one Christ natural properties distinct from each other, by which the meanings and conceptions of his divine nature and of his human nature are believed beyond all doubt to remain without confusion.

We also know that the seventh, holy and universal synod, held for the second time at Nicaea, taught correctly when it professed the one and same Christ as both invisible and visible lord, incomprehensible and comprehensible, unlimited and limited, incapable and capable of suffering, inexpressible and expressible in writing. In agreement with that synod, this holy and universal synod publicly anathematizes Anastasius, Constantine and Nicetas, that irrational prelature whose name stinks, or, to put it better, that plain corruption; so too Theodosius of Ephesus, Sisinnius Pastilas and Basil Tricacabus, not forgetting Theodore, Antony and John, once prelates of new Rome, the royal city of Christians, but better called defamers of Christ. They declared by word and deed that, despite what the list of prophets proclaimed about Christ, he had been incapable of destroying the statues of the idols. Furthermore, we also anathematize Theodore, who was called Krithinos, whom this great and holy synod summoned and condemned and loudly dinned an anathema into his ears. Similarly we anathematize all those who agreed with or supported those who said that the Word of the divine incarnation came about and existed by fantasy and supposition, indeed that through the removal of the image of our Christ and saviour there came the simultaneous removal of the accepted form of the true body which bore God within it. Everything which cannot be grasped by the imagination is surely to be understood in two ways, either as not existing or as in fact existing but minimally understandable, inasmuch as being invisible and hidden.

Therefore, if anyone happens to have taught any of these things about Christ, the God and saviour of us all, he will be clearly proclaimed an enemy of true religion, since the first of these declares that Emmanuel was not truly made man, and the second declares that he was indeed man but lacked human qualities, laid aside the flesh he assumed and had recourse in everything to his divine³ and to

ab omnibus divinitus inspiratis scripturis, quae etiam iterum eum venturum iudicem omnium prorsus affirmant, similiterque videndum, quemadmodum visus est discipulis et apostolis suis ad caelos assumptus.

Illud autem manichaeica opinione ac impietate plenum est, quo insensate dicitur, de eo divini David eloquium pronuntiatum fuisse, et quod perhibet: *In sole posuit tabernaculum suum*¹, cum videlicet haec impietas abiectioem ac depositionem significari per id dominici ac deifici corporis opinetur; sed verbum veritatis et de pheronymo Manete et de singulis qui cum eo sapiunt et iconomachicae sunt auctores haereseoe, atque de aliis omnibus haeresiarchis ac impiis, fiducialiter ait: *Non cognoverunt neque intellexerunt, sed in tenebris ambulaverunt*². Etenim ô qui derelinquitis vias rectas et ambulatis in viis tenebrarum, ô qui laetamini in malis et exsultatis in eversione mala; quorum semitae pravae sunt et curvi gressus eorum, ut longe faciant a via recta et alienos a iusta sententia³; et rursus: *Qui a vento corrupta seminaverunt**, et eversio eorum excepit ea; et iterum: *Qui innititur mendaciis, hic pascet ventos. Idem autem ipse persequetur aves volantes*³: dereliquit enim vias vineae suae, in axiis autem agri sui errat; deambulat enim per inaquosum desertum® et terram extensam in siti, congregat autem in manibus suis sterilitatem.

Propter quod hos omnes transmittit anathemati, et dinumeratas nobis sanctas et universales septem synodos recipiens, et hanc octavam universalem synodum congregavit per gratiam omnipotentis Christi et Dei nostri, et pietatem ac studium tranquillissimi ac divinitus roborati imperatoris nostri ad excidendum et disperdendum per eas exortas propagines iniustitiae ac iniquos nisus seu promotiones, ad efficiendum pacificum ecclesiae ordinem et orbis stabilitatem. Non enim sola verorum dogmatum privatio novit perdere male opinantes, et tumultuari ac turbare ecclesiam, sed et divinorum mandatorum praevaricationes nihilominus eandem perditionem non vigilantibus excitant, et aestu ac fluctibus implent orbem, qui Christi appellatione censentur.

Quod etiam et per Photii miseri insipientiam et astutiam et malignam operationem per instantia tempora factum est; qui non per ostium, sed per fenestram in aulam ingressus ovium⁷, quasi fur et latro, animarum grassator, quemadmodum dominicus sermo designat, omni tempore et omni fortitudine furari et mactare ac perdere rationabiles pecudes Christi tentavit, multasque persecutiones operans, plures custodias et carceres ac rerum publicationes atque longissimos exsulatus, et super haec insimulationes, sed accusationes et falsiloquia et scriptiones fictas, contra omnes zelatores pietatis et propugnatores veritatis commentando non destitit, iustissimum videlicet et legitimum atque canonicum summum sacerdotem Constantinopolitanorum ecclesiae, sanctissimum scilicet patriarcham Ignatium, ut alter quidam Severus seu Dioscorus expellere machinans, et instar latronis adulteri sedem illius invadens, et mille depositoriis sententiis ac totidem anathematibus affatim eum submittens

¹ Ps 18, 6. ¹ Ps 81, 5. ² Cf. Is 59, 8-9. ⁴ Cf. Os 8, 7.

* Pro 10, 4. ³ Cf. Lc 11, 24. ⁷ Cf. Io 10, 1.

his incomprehensibility ; this is alien to all the divinely inspired scriptures, which also clearly state that he will come once more as judge of all, and he is to be seen in the same way as he was seen by his disciples and apostles when he was taken up into heaven.

That theory is full of Manichaean ideas and ungodliness inasmuch as it foolishly declares that a saying of the divinely inspired David was spoken about Christ, in which it says, *He has set his tabernacle in the sun*¹ since this impiety supposes that the casting off and laying aside of the Lord's deified body is meant. But the word of truth confidently says, both concerning the well-named Manes and all those who share his thought and are authors of the heresy about the destruction of icons and all other heresiarchs and enemies of religion : *They have not known nor understood, but they walked in darkness*¹. O you who abandon the right way and walk in the way of darkness, who rejoice in wrongdoing and exult in evil conversion; O you whose paths are evil and steps crooked so that they take you far from the right way and make you foreign to right thinking³! Again, those who sowed what was corrupted by the wind⁴ have received destruction as their reward; and again, *He that trusts in lies feeds the winds: and the same person runs after birds that fly away*⁵. For he has abandoned the rows of his vines, he wanders in the furrows of his field; for he wanders through a waterless desert⁶ and a great parched plain, yet gathers no fruit in his hands.

For this reasons [the church] brands all these with an anathema and, besides recognizing the seven, holy and universal synods already enumerated by us, has gathered together this eighth universal synod through the grace of our all powerful Christ and God and the piety and zeal of our most serene and divinely strengthened emperor, to cut down and destroy the shoots of injustice that have sprung up against those synods, together with the evil stirrings and influences, in order to bring about peaceful order in the church and stability in the world. For it is not only the removal of true teaching which knows how to destroy those of evil mind and to agitate and disturb the church, but also quibbling over the meaning of the divine commandments equally brings the same destruction on those who are not vigilant, and the world is filled with storms and disturbances by those who are reckoned as Christians.

This is what happened in recent times through the folly, cunning and evil machinations of the wretched Photius. He entered the sheepfold not through the door but through a window⁷, and, like a thief or a robber, a destroyer of souls, as the Lord's words indicate, has tried, on every occasion and by every means, to steal, slaughter and destroy the right-thinking sheep of Christ and, by engineering all manner of persecution, he has not ceased from contriving numerous arrests and imprisonments, confiscations of property, protracted periods of exile and, in addition to these, accusations, charges, false testimonies and forgeries against all who worked for true religion and fought for the truth. For he, like another Severus or Dioscorus, engineered the expulsion of the most just, lawful and canonically appointed high priest of the church of Constantinople, namely the most holy patriarch Ignatius, and like an adulterous robber, breaking into his see and repeatedly submitting him to a thousand charges involving dethrone-

¹ Ps 18, 6. ² Ps 81, 5. ³ See Is 59, 8-9. ⁴ See Hos 8, 7.

⁵ Pro 10, 4. ⁶ Sec Lk 11, 24. ⁷ See Jn 10, 1.

atque multifarie multisque modis incessantem turbationem et aestum cunctis Christi et salvatoris nostri ecclesiis excitans.

Verumtamen non est infatuatum sal terrae¹* neque oculus ecclesiae penitus extenebratus¹, neque luminare, malitiae spiritibus, pietatis s extinctum est, neque ignis divinae charitatis consumptoriam et incendientem operationem peccabilis et levis materiae perdidit, neque sermo Domini, qui est acutior gladio ancipiti³ et cogitationum discretor, inefficax inventus est, neque solidae petrae fundamentum collusionibus vel inundationibus fluminum et pluviarum demersum concidit⁴; sed io lapis angularis et pretiosus, qui in Sion, id est in ecclesia positus⁵, *super* quem *fundamentum apostolorum et prophetarum** in aedificationem ecclesiae positum est, multos quidem alios in generatione nostra emisit volubiles *lapides super terram*¹, ut propheta dicit, ab omni ordine catalogi ecclesiastici etiam in regnante urbe et Roma nova, confringentes scilicet et con- is terentes machinamenta eorum, qui devastare veritatem et divinam iustitiam voluerunt et lentaverunt.

Potius autem atque praecipue veluti quendam alterum angularem lapidem illius quodammodo conservantem, quantum fieri potest, imaginalem similitudinem contra Photii propugnacula, tanquam a quodam so excelso et perspicuo loco, Nicolaum beatissimum et pheronymum papam senioris Romae desursum misit, qui iaculis epistolarum suarum atque verborum, et Photii fautores principes ac potentes perculit, et versa vice veteris historiae, quemadmodum alterum quendam Madianitam Photium cum israelitide ecclesia moechantem, secundum zelatorem Phinees, veri- 25 tatis mucrone pupugit⁸, et non* acquiescentem remedia medicinalis disciplinae suscipere ad adulterii vulneris sanitatem et cicatricem consequendam, penitus interfecit atque cum coniuncta ei quasi sacerdotali dignitate per anathema, ut alter Petrus Ananiam et Saphyram, qui divina furati sunt, morti transmisit⁹.

so Huius autem definitionibus et decretis innixus piissimus et Christi amicus imperator noster quem caelestis Imperator et Dominus maiestatis in salutem orbis terrarum erexit, Photio quidem convenientem impertitus est locum, sanctissimum vero patriarcham Ignatium ad thronum proprium revocavit. Porro ad perfectam discretionem et distinctionem eius quod 35 bonum esse constat et expedit, vicarios etiam ex omnibus patriarchalibus thronis, necnon et omnem episcoporum catalogum, qui sub potestate sua degit, in idipsum collegit; qui videlicet convenientes magnam hanc et universalem celebravimus synodum, et cum multo scrutinio et probatione atque tractatu, delimate ac convenienter, scandalorum et zizaniorum radices una cum germinibus gladio spiritus excidimus, insontem <0 scilicet et sanctissimum patriarcham Ignatium in proprii throni* cardine sta-

4 <mW. Hrd

1 Cf. Mt 5,13. * Cf. Mt 6, 23. » Cf. Heb 4,12. « Cf. Lc 6, 48.

4 Cf. Is28,16; 1 Pt 2, 6. *Eph2,20. 7 Zc9,16.

* Cf. Nm 25. » Cf. Ac 5, 5.

ment and as many anathemas, he roused continuous turmoil and storms for all the churches of Christ our saviour, in a multiplicity of ways.

However, the salt of the earth has not lost its savour¹, nor has the eye of the church become completely darkened², nor has the light of true religion been extinguished by the spirits of wickedness; nor has the fire of divine charity lost its destroying and burning power over sinful and worthless material; nor has the word of the Lord, which is sharper than a two-edged sword³ and a discerner of thoughts, been found ineffectual; nor did the foundation of solid stone collapse when submerged by swollen waters and floods of rivers and storms⁴; but the precious cornerstone, which was laid down in Sion, that is, in the church⁵, *upon* which *the foundation stone of the apostles and prophets*'* was laid for the building up of the church, in our time has sent out from every one of the church's established ranks, even into the ruling city, the new' Rome, many other *stones* rolling *over the land*⁷, as the prophet says, to destroy and lay waste the intrigues of those w'ho desired and attempted to destroy truth and divine justice.

But with greater force and particular significance, Nicholas, the most blessed and aptly-named pope of old Rome, was sent from above as another cornerstone for the church, preserving as far as possible the figurative likeness, as from an exalted and pre-eminent place, to confront the carefully organised opposition of Photius. By the missiles of his letters and speeches, he struck down the powerful leading supporters of Photius and, reflecting a story of the old Testament, after the manner of the zealot Phinehas, he pierced Photius with the lance of truth as if he were another Midianite defiling the assembly of Israel⁸; and he completely destroyed him on his not³ agreeing to accept the remedies of a healing discipline aimed at treating the scars and healing the adulterous w'ound; and just as another Peter dealt with Ananias and Sapphira, who stole what belonged to God, by an anathema included as it were in his priestly dignity, he committed him to death⁹.

Following these directives and decrees, the most religious friend of Christ, our emperor, w'hom the heavenly Emperor and Lord of majesty has raised up for the salvation of the world, has consigned Photius to a suitable place and recalled the most holy patriarch Ignatius to his rightful seat. Furthermore, for the perfect discernment and definition of what is agreed to be good and is beneficial, he has gathered together vicars from all the patriarchal seats and the whole college of bishops which is under his authority. Those of us who came together have celebrated this great and universal synod and, with much examination, testing and discussion, with due care and consistency, we have cut out with the sword of the spirit the roots of scandals and weeds along w'ith their shoots, as we establish the truly innocent and most holy patriarch Ignatius in the

4 added in Hrd

¹ See Mt 5, 13. ² See Mt 6, 23. ⁵ See Heb 4, 12. ⁴ See Lk 6, 48.

⁵ Se Is 28, 16; ¹ Pt 2, 6. ⁶ Eph 2, 20. ⁷ Zc 9, 16.

⁸ See Nm 25. ⁹ See Ac 5, 5.

bilientes, et Photium pervasorem atque adulterum cum omnibus sequacibus suis et nequitiae fautoribus condemnantes. Dicit enim quodam loco per prophetae vocem universorum Deus: *Propter malitias adinventionum suarum de domo mea eiiciam eos; et ultra non addam ut diligam eos. Dolidt Epbrem, radices suas aruit, fructum ultra non afferet*¹; et iterum: *Obanaan in manu eius statera iniustitiae, vim inferre dilexit, et dixit Epbrem: Verumtamen dives factus sum, inveni refrigerium mihi. Omnes labores eius non invenientes et propter iniustitias, quas peccavi*², et iterum: *Et hereditabunt domus Iacob eos, qui hereditate recuperant eos, et erit domus Iacob ignis, et domus Ioseph flamma; domus autem Esau in stipulam, et exardescant in eos et comedent* ¹⁰ *eos, et non erit qui ignem ferat domui Esau, quia Dominus loquutus est*³.

Miser namque Photius erat veraciter ut homo, qui non posuit Deum adiutorem suum, sed speravit in multitudine versutiarum suarum, et praevaluit in vanitate⁴ malitiarum suarum, secundum veterem illum Ephrem, discedens a divinis iustificationibus; quem irridens et subsannans propheticus ^{is} sermo, ita dicit: *Epbrem factus est subcinericius panis, qui non reversatur, et manducaverunt alieni fortitudinem eius. Ipse autem non agnovit, et cani efflorent ei, et ipse non cognovit, et humiliabitur iniuria Israel in faciem ipsius, et in omnibus his non est conversus ad dominum Deum suum. Epbrem columba, a mensa Aegyptum invocabat, et in Assyrios ibat; cum profectifuerint, immittam super* ²⁰ *eos rete meum, sicut volatilia caeli, et attraham et corripiam eos in auditionem tribulationis eorum*³. In supremam quippe arrogantiam elatus est contra beatissimum papam Nicolaum senioris Romae, malitiae suae venenum evomuit; et falsos vicarios trium quasi orientalium sedium congregans et concilium synodale, ut putabatur, constituens, et accusatorum ac ²⁵ testium componens nomina, et personas ac verba formans, quae singulis eorum quasi aptari viderentur, qui in synodica iudicatione inveniuntur, et quasi monumenta horum libros falsidicos fingens et scribens atque componens, anathematizare praesumpsit praedictum beatissimum papam Nicolaum et omnes communicatores eius; ita ut ex hoc etiam universos, ³⁰ qui sub caelo erant pontifices et sacerdotes, id est et caeteras patriarchales sedes et omnem sacrum catalogum qui sub ipsis degit, sub eodem comprehendere anathemate; erant enim omnes certissime communicatores praelati pontificis, in quibus eum et qui cum ipso sunt, propheticus sermo redarguens et diffamans ita dicit: Multiplicaverunt ut impie agerent, et ³⁵ legerunt foris leges, et invocaverunt confessionem[®]; et rursus: *Et meditati sunt in corde suo sermones iniustos, et posuerunt retrorsum indicium, et iustitia longe recessit ab eis; quia consumpta est in viis eorum veritas et per vias rectas non potuerunt transire, et veritas sublata est, et transtulit mentem suam ut non intelligent*¹. Et: Qui declinat a malo impugnatur, et *vidit Dominus,* ⁴⁰ *et non placuit ei, quia non erat iudiciunfi*; et rursus: *Haec dicit Dominus: super tribus impietatibus Iuda et super quattuor non convertam eum, pro eo quod repulerunt legem Domini et praecepta eius non custodierunt*⁹. Hunc itaque qui sic affecta-

1 Os 9,15-16.

1 Os 12, 7-8.

« Ab 17-18.

4 Ps 51, 9.

4 Os 7, 8-12.

4 Cf. Is 59,12.

7 Is 59,13-15 (Septuaginta).

· Is 59,15 (Septuaginta).

4 Am 2,4.

controlling scat, while we condemn Photius, the interloper and illegal occupier, with all his supporters and promoters of evil. For almighty God says somewhere by the mouth of a prophet: *Because of the wickedness of their deeds / will drive them out of my house. I will do no more to love them. Ephraim is stricken, their root is dried up, they shall bear no fruit*¹; and again: *Canaan, there is a deceitful balance in his hand, he has loved oppression. And Ephraim said: But yet I am become rich, I have found for myself a place of repose: all his labours shall not find me, despite the iniquities that I have committed?*²; and again: *And the house of Jacob shall possess their own possessions. The house of Jacob shall be a fire and the house of Joseph aflame, and the house of Esau stubble; they shall burn them and consume them, and there shall be no survivor to the house of Esau, for the Lord has spoken*³.

For the wretched Photius was truly like *the person who did not make God his refuge; but trusted in the abundance of his cunning and sought refuge in the vanity*⁴ of his iniquities, following the example of Ephraim of old, in turning his back on the divine mercy; the word of the prophet mocks and derides him, saying: *Ephraim is become as bread baked under ashes, that is not turned. Strangers have devoured his strength and he knew it not; grey hairs also are spread upon him, and he is ignorant of it. He shall be humbled by the insult of Israel before his face; and in all this he has not returned to the Lord, his God. Ephraim is become as a dove, that called upon the table of Egypt and went to the Assyrians. When they shall go, I will spread my net upon them as upon the birds of the air; I will bring them down, I will strike them to make their tribulation heard?*⁵. For Photius was lifted up to the heights of arrogance in attacking the most blessed pope of old Rome, Nicholas, and he vomited out the poison of his evil. He gathered together false vicars from three supposedly eastern sees, set up what was thought to be a synodical council, and, making lists of the names of accusers and witnesses, fashioning profiles and speeches which seemed to be suited to each person who plays a part in a synodical investigation, and making up, writing down and organizing forged records as accounts of those proceedings, he had the audacity to anathematize the aforementioned most blessed pope Nicholas and all those in communion with him. Photius did this in such a way that as a result all the existing bishops and priests, that is, the other patriarchal sees and all the clerics within them, were included in the same anathema, for all were most certainly in communion with the leading bishop, and amongst them himself and his followers. The word of the prophet condemns and refutes him when it says: *They have multiplied their transgressions, they have enacted extraneous laws and invoked their confession*⁶; and again: *They conceived in their heart lying words and turned justice back, and righteousness has stood afar off from them; for truth has been destroyed in their streets and they have been unable to follow the right path. Truth has disappeared and changed their mind so that it cannot understand*⁷. And: *He who turns from evil is attacked, and the Lord saw and it displeased him because there was no judgment*⁸; and again: *Thus says the Lord: For three transgressions of Judah and for four, I will grant them no reprieve; because they have rejected the law of the Lord and have not kept his statutes*⁹. Therefore, as regards the man who has acted in this way and has

¹ Hos 9, 15-16. ² Hos 12, 7-8. ³ Ob 17-18. ⁴ Ps 51, 9. ⁵ Hos 7, 8-12.

⁶ See Is 59, 12. ⁷ Is 59, 13-15 (Septuagint). ⁸ Is 59, 15 (Septuagint).

⁹ Am 2, 4.

vit, et talibus ac tot conatibus et temeritatibus turbavit et concussit totam sanctam catholicam et apostolicam ecclesiam, et nullatenus converti ac poenitere voluit, neque subdi decreto et iudicio sanctarum patriarchalium sedium consensit, ut eum et multo ante anathematizavit beatissimus papa s Nicolaus, ac deinde successor eius sanctissimus Adrianus papa, ita etsancta haec et universalis synodus reprobavit et anathemati magis ac magis mandavit, dicens ad eum ex persona cunctorum Dei per Isaiae prophetae vocem : Quomodo vestimentum in sanguine coinquinatum¹ non erit mundum, ita nec tu eris mundus; quia ecclesiam Christi adulterasti et populum Domini io multis partibus et multis modis scandalizasti et perdidisti. Eos autem qui sic se non habent, sed illi faventes adhaerent, si quidem episcopi vel clerici sunt, in perpetuum depositos fore praecipimus; monachos autem seu laicos anathematizamus, quousque a sua seductione atque malitia convertantur.

CANONES

KANONES

15 *De custodiendis et conservandis omnino expositis
antea et traditis ecslesiae canonibus*

Per aequam et regiam divinae iustitiae viam inoffense incedere volentes, veluti quasdam lampades semper lucentes et illuminantes gressus nostros, qui secundum Deum sunt, sanctorum patrum definitiones et sensus retinere debemus. Quapropter et has ut secunda eloquia secundum magnum et sapientissimum Dionysium² arbitantes et existimantes, etiam de eis cum divino David promptissime canamus: *Mandatum Domini lucidum illuminans oculos*³ et: *Lucerna pedibus meis lux tua, et lumen semitis meis*^{*}; et cum Proverbiatore dicimus: *Mandatum tuum lucidum, et lex tua lux*^{*}; et cum magna voce cum Isaia clamamus ad dominum Deum, quia *lux praecepta tua sunt super terram*³. Luci enim veraciter assimilatae sunt divinorum canonum hortationes et dehortationes, secundum quod discernitur melius a peiori, et expediens atque proficuum ab eo quod non expedire, sed et obesse dignoscitur.

Τὴν εὐθείαν καὶ βασιλικὴν ὁδὸν τῇ θεΐᾳ δικαιοσύνῃ ἀπροσκόττω βαδίζειν ἐθέλοντε, οἷόν τινα πυρσοῦ ἀειλαμπεΐ τοῦ τῶν ἁγίων οροῦ κρατεῖν ὀφείλομεν τοιγαροῦν τοῦ ἐν τῇ καθολικῇ καὶ ἀποστολικῇ ἐκκλησίᾳ παραδοθέντα θεσμοῦ παρὰ τε τῶν ἁγίων καὶ πανευφῆμων ἀποστόλων, παρὰ τε ὀρθοδόξων συνόδων οἰκουμενικῶν τε καὶ τοπικῶν, ἢ καὶ πρό τινο θεηγόρου πατρὸς διδασκάλου τῇ ἐκκλησίᾳ, τηρεῖν καὶ φυλάττειν ὁμολογοῦμεν¹ κρατεῖν γὰρ τὰ παραδόσει, α παρελάβομεν, εἴτε διὰ λόγου, εἴτε δι^{*} επιστολῶν τῶν προγενεστέρω διαλαμψάντων ἁγίων, παρεγγυα διαρρήδην Παῦλο ὁ μέγα ἀπόστολο 7.

¹ Cf. Is 9, 5. ¹ Ps.-Dionysius Arcop., *De eccl. hier.* I 4 (PG 3,375).

» Ps 18, 9.

⁴ Ps 118,105.

^{*} Pro 6, 23.

· Is 26, 9 (Septuaginta).

⁷ 2 Th 2,15.

disturbed and shaken the whole holy, catholic and apostolic church with so many brazen attacks of this kind, has utterly refused to be convened and repent, and has refused to submit to the decrees and judgment of the holy patriarchal sees, just as long ago the most blessed pope Nicholas and then his successor, the most holy pope Hadrian, anathematized him, so too this holy and universal synod has reproved him and put him under an ever severer anathema while addressing to him, in the person of all God's people, the words of the prophet Isaiah: Just as a garment soiled in blood¹ will not be clean, so you will not be clean; for you have defiled the church of Christ and have been a source of scandal and destruction to the people of God on many counts and in many ways. We command that those who do not share this view, but give Photius their willing support, if they are bishops or clerics, must be deposed for ever; we anathematize monks or lay people, until such time as they are converted from their false ways and wickedness.

CANONS

1

On the scrupulous preservation and observance of the ecclesiastical canons published in the past and entrusted to the church

If we wish to proceed without offence along the true and royal road of divine justice, we must keep the declarations and teachings of the holy fathers as if they were so many lamps which are always alight and illuminating our steps which are directed towards God. Therefore, considering and esteeming these as a second word of God, in accordance with the great and most wise Denis², let us sing most willingly along with the divinely inspired David, *The commandment of the Lord is bright, enlightening the eyes*³, and, *Your word is a lamp to my feet and a light to my paths*⁴, and with the author of Proverbs we say, *Your commandment is a lamp and your law a light*⁵, and like Isaiah we cry to the lord God with loud voice, because *your commands are a light for the earth*⁶. For the exhortations and warnings of the divine canons are rightly likened to light inasmuch as the better is distinguished from the worse and what is advantageous and useful is distinguished from what is not helpful but harmful.

¹ See Is 9, 5.

² Pseudo-Denis the Areopagite, *De eccl. hier. (Ecclesiastical hierarchy)* 1 4 (PG 3, 375).

³ Ps 18, 9. ⁴ Ps 118, 105. ⁵ Pro 6, 23. ⁶ Is 26, 9 (Septuagint).

Igitur regulas, quae sanctae catholicae ac apostolicae ecclesiae tam a sanctis famosissimis apostolis, quam ab orthodoxorum universalibus, nec non et localibus conciliis, vel etiam a quolibet de illoquo patre ac magistro ecclesiae tradita sunt, servare ac custodire profiteamur; his et propriam vitam et mores regentes, et omnem sacerdotii catalogum, sed et omnes qui christiano censentur vocabulo, poenis et damnationibus et, e diverso, receptionibus ac iustificationibus quae per illas prolatae sunt et definitae, subiici onice decernentes; tenere quippe *traditiones*, quas accepimus, *sive per sermonem, sive per epistolam* sanctorum qui antea fulserunt, Paulus admonet aperte magnus apostolus'.

10

II

B

*De conservandis etiam definitionibus synodice
a beatissimo papa Nicolao et sanctissimo papa
Hadriano Romanis patriarchis pro defensione
Constantinopolitanorum ecclesiae ac restitutione
Ignatii sanctissimi patriarchae, atque neophyti
expulsione ac condemnatione Photii expositis*

15

*Obedite praepositis vestris et stabiacele
illis; ipsi enim pervigilant pro animabus
vestris tamquam rationem reddituri*²,
Paulus magnus apostolus praecipit.
Itaque beatissimum papam Nico-
laum tamquam organum sancti Spi-
ritus habentes, nec non et sanctissi-
mum Hadrianum papam successo-
rem eius, definimus atque sancimus,
etiam omnia quae ab eis synodice
per diversa tempora exposita sunt
et promulgata, tam pro defensione
ac statu Constantinopolitanorum
ecclesiae, et summi sacerdotis eius,
Ignatii videlicet sanctissimi patri-
archae, quam etiam pro Photii neo-
phyti et invasoris expulsione ac con-
demnatione, servari semper et eu-
stodiri cum expositis capitulis im-
mutata pariter et illaesa, et nullum
episcoporum, aut presbyterorum,
vel diaconorum, aut quempiam de
catalogo clericorum evertere, vel
reprobare aliquid horum audere.

Τὸν μακαριώτατον πάπαν Νικόλαον,
ὡς ὄργανον τοῦ ἁγίου πνεύματος
ἔχοντε, καὶ τὸν ἐκείνου διάδοχον
τὸν ἁγιώτατον πάπαν Ἀδριανόν,
δριζομένον καὶ θεσπίζομεν πάντα τὰ
παρ' αὐτῶν ἐκτεθέντα καὶ συνοδι-
κῶς ἐκφωνηθέντα κατὰ διαφόρου
καιροῦ ὑπὲρ ἐκδικήσεως καὶ συ-
στάσεως, τῇ ἁγίᾳ Κωνσταντινου-
πολιτῶν ἐκκλησίᾳ καὶ τοῦ ἁγίου
αὐτῆς ἀρχιερέως Ἰγνατίου, καὶ τῇ
Φωτίου ἐξωθήσεώς τε καὶ κατακρί-
σεως, τηρεῖσθαι καὶ φυλάττεσθαι
πάντοτε σὺν τοῖς ἐκτεθειμένοις κεφα-
λαίοις, καὶ μηδέν τινος οἰουδήτινος
τάγματος ἀνθρώπων ἀθετησαὶ τολ-
μᾶν εἰ δέ τι μετὰ τοῦτον ἡμῶν
τὸν ὅρον φωραθεῖν ἀθετῶν τι τῶν
παρ' ἐκεῖνοις ἐκτεθέντων κεφαλαί-
ων, ἱερεῦς μὲν ὢν ἢ κληρικό, ἐκπι-
πτέτω τῇ ἰδίᾳ τιμῇ καὶ τάξεω *
μοναχὸς δέ ἢ λαϊκὸς ἀφοριζέσθω,
μέχρι ἂν μετανοήσῃ.

40

Quisquis autem post hanc definitionem nostram comprehensus fuerit
spernens quidquam capitulorum et decretorum quae ab illis exposita

¹ 2 Th 2,15. * Heb 13,17.

Therefore we declare that we are preserving and maintaining the canons which have been entrusted to the holy, catholic and apostolic church by the holy and renowned apostles, and by universal as well as local councils of orthodox [bishops], and even by any inspired father or teacher of the church. Consequently, we rule our own life and conduct by these canons and we decree that all those who have the rank of priests and all those who are described by the name of Christian are, by ecclesiastical law, included under the penalties and condemnations as well as, on the other hand, the absolutions and acquittals which have been imposed and defined by them. For Paul, the great apostle, openly urges us to preserve *the traditions* which we have received, *either by word or by letter*, of the saints who were famous in times past.

2

On the observance of the directives promulgated in synod by the most blessed pope Nicholas and the most holy pope Hadrian, patriarchs of Rome, for the defence of the church of Constantinople and the restoration of the most holy patriarch Ignatius, and for the expulsion and condemnation of the upstart Photius

*Obey your leaders and submit to them; for they are keeping watch over your souls, as persons who will have to give account*², commands Paul, the great apostle. So, having both the most blessed pope Nicholas as the instrument of the holy Spirit and his successor, the most holy pope Hadrian, we declare and order that everything which has been expounded and promulgated by them in a synod at various times, both for the defence and well-being of the church of Constantinople and of its chief priest, namely Ignatius, its most holy patriarch, as well as for the expulsion and condemnation of Photius, the upstart and usurper, should be maintained and observed together with the canons there set forth, unchanged and unaltered, and no bishop, priest or deacon or anyone from the ranks of the clergy should dare to overturn or reject any of these things.

Whoever, then, shall be found, after these directives of ours, despising any of the articles or decrees which have been promulgated by these popes, must be

¹2 Th 2, 15. ² Heb 13, 17.

sunt, si quidem sacerdos fuerit aut clericus, a proprio decidat honore simul et ordine: monachus autem, vel laicus, cuiuscumque sit dignitatis, segregetur, donec poenitens profiteatur se conservaturum praedictorum editionem.

III

5 *Ut bowtnr et adoretur imago damini nostri lesu Christi, aequae ut sanctorum libri esangelicum, ei figura pretiosae cruris, similiter et intemeratae matris eius ei Dei genitricis Mariae, et omnium sanctorum, nec non caelestium ministrorum*

10 Sacram imaginem domini nostri Iesu Christi et omnium liberatoris et salvatoris aequo honore cum libro sanctorum evangeliorum adorari discernimus. Sicut enim per syllabarum
15 eloquia, quae in libro feruntur, salutem consequimur omnes, ita per colorum imaginariam operationem, et sapientes et idiotae cuncti, ex eo
20 utilitate; quae enim in syllabis sermo, haec et scriptura, quae in coloribus est, praedicat et commendat; et dignum est, ut secundum congruentiam rationis, et antiquissimam traditionem propter honorem, quia ad principalia ipsa referuntur, etiam derivative iconae honorentur, et adorentur aequae ut sanctorum sacer evangeliorum liber, atque ty-
30 pus pretiosae Crucis.

Si quis ergo non adorat iconam salvatoris Christi, non videat formam eius, *quando veniet in gloria paterna glorificari et glorificare sanctos*

40 suos¹, sed alienus sit a communione ipsius et claritate: similiter autem et imaginem intemeratae matris eius et Dei genitricis Mariae; insuper et iconas sanctorum angelorum depingimus, quemadmodum eos figurat verbis divina scriptura; sed et laudabilissimorum apostolorum, prophetarum, martyrum, et sanctorum virorum, simul et omnium sanctorum, et honoramus et adoramus. Et qui sic se non habent, anathema sint a Patre, et Filio, et Spiritu sancto.

Τὴν ἱερὰν εἰκόνα τοῦ κυρίου ἡμῶν Ἰησοῦ Χριστοῦ ὁμοτίμῳ τῇ βίβλῳ τῶν ἁγίων ευαγγελίων προσκυνεῖσθαι θεσπίζομεν* ὥσπερ γὰρ διὰ τῶν ἐμφερομένων ἐν αὐτῇ συλλαβῶν τῇ σωτηρίᾳ ἐπιτυγχάνουσιν ἅπαντες, οὕτω διὰ τῇ τῶν χρωμάτων εἰκονουργίᾳ καὶ σοφοὶ καὶ ἰδιῶται πάντε τῇ ὠφελείᾳ ἐκ τοῦ προχείρου παραπολαύουσιν ἅπερ γὰρ ὁ ἐν συλλαβῇ λόγος, ταῦτα καὶ ἡ ἐν χρώμασι γραφή καταγγέλλει τε καὶ παρίστησιν.

Εἰ τι οὖν οὐ προσκυνεῖ τὴν εἰκόνα τοῦ σωτήρος Χριστοῦ, μή (δη ἐν τῇ δευτέρᾳ παρουσίᾳ τὴν τοῦτου μορφήν ὁμοίῳ δέ καὶ τὴν εἰκόνα τῇ ἀχράντου μητρὸς αὐτοῦ, καὶ τὰ εἰκόνα τῶν ἁγίων ἀγγέλων, καθὼς αὐτοῦ χαρακτηρίζει διὰ τῶν λογίων ἡ ἁγία γραφή, καὶ προσέτι τῶν ἁγίων πάντων, καὶ τιμῶμεν καὶ προσκυνούμεν καὶ οἱ μὴ οὕτω ἔχοντε ἀνάθεμα ἔστωσαν.

¹ 2 Th 1,10.

stripped of his dignity and rank, if he is a priest or cleric; a monk or lay person, of whatever dignity, must be excommunicated until he repents and promises to observe all the decrees in question.

3

/he image of our lord Jesus Christ should be honoured and venerated in the same way as the books of the holy gospels and the representation of the precious cross; likewise too. the image of Mary, his undefiled mother and mother of God, and those of all the saints and heavenly ministers

We decree that the sacred image of our lord Jesus Christ, the redeemer and saviour of all people, should be venerated with honour equal to that given to the book of the holy gospels. For, just as through the written words which are contained in the book, we all shall obtain salvation, so through the influence that colours in painting exercise on the imagination, all, both wise and simple, obtain benefit from what is before them; for as speech teaches and portrays through syllables, so too does painting by means of colours. It is only right then, in accordance with true reason and very ancient tradition, that icons should be honoured and venerated in a derivative way because of the honour which is given to their archetypes, and it should be equal to that given to the sacred book of the holy gospels and the representation of the precious cross.

If anyone then does not venerate the icon of Christ, the saviour, let him not see his face *when he comes* in his father's glory *to be glorified and to glorify his saints*¹, but let him be cut off from his communion and splendour; similarly the image of Mary, his immaculate mother and mother of God; we also paint the icons of the holy angels just as divine scripture depicts them in words; we also honour and venerate those of the highly renowned apostles, prophets, martyrs and holy men as well as those of all the saints. Let those who are not so disposed be anathema from the Father, the Son and the holy Spirit.

¹ 2 Th 1, 10.

IV

Δ

Z>i M Pbotiux nunquam fuiut
rideatur episcopus, sseque illis qui in quolibet
sacerdotali gradu consecrati sunt, putentur tales
esse quales eos Hit nominarit, neque dimittendi
sunt eis honores, qui ab eo collati sunt, sed
subvertenda eue omnia quaeumque ille ad dandum
aliis gradum sacerdotii operatus est

»

Amorem principatus, utpote quamdam malam radicem exortorum in ecclesia scandalorum, radicibus excidentes, eum qui temere et praevaricatorie ac irregulariter, veluti quidam gravis lusus, in Christi ovile insiliit, Photium scilicet, qui mille tumultibus et turbationibus orbem terrae replevit, iusto decreto damnamus, promulgantes nunquam fuisse prius aut nunc esse episcopum, nec eos qui in aliquo sacerdotali gradu ab eo consecrati vel promoti sunt manere in eo ad quod proveci sunt: insuper et eos qui ab illo consuetas orationes ad praepositorum promotionem susceperunt, ab huiusmodi patrocinio coercemus.

Τὴν φιλαρχίαν οἷόν τινα πονηρὰν
ρίζαν τῶν κακῶν πάντων πρόρριζον
ἀποτέμνοντε, τὸν προπετῶ καὶ ἀ-
θέσμῳ, οἷόν τινα λύκον βαρύνει
τὸ τοῦ Χριστοῦ ποιμνιον! εἰσπηδή-
σαντα Φώτιον, καὶ ταραχὴ τὴν οἰ-
κουμένην ἐμπλήσαντα, δικαίῳ λόγῳ
ἀποφαινόμεθα μηδέποτε γεγονέναι
πρότερον ἢ νῦν ἐπίσκοπον μήτε
τοῦ ὑπ' αὐτοῦ χειροτονηθέντα ἐν
οἰωδήποτε βαθμῷ ἱερατικῷ, ἐν ᾧ
προεχειρίσθησαν, μένειν τοῦ δέ
παρ' αὐτοῦ εἰ ἡγουμενίαν προχει-
ρισθέντα, τῇ τοιαύτῃ προστασίᾳ
ἀπείργομεν· λέγει γὰρ ὁ τῶν ὅλων
θεὸς διὰ τοῦ προφήτου· * "Ὅτι σὺ
ἐπιγνώσιν ἀπώσω, κἀγὼ ἀπώσομαι
σε τοῦ μή ἱερατεῦειν μοι. "2

io

15

20

Sed et ecclesias quas, ut putatur, tam Photius quam ii qui ab ipso consecrati sunt, dedicaverunt, vel si commotas mensas stabilierunt, rursus dedicari et inthronizari atque stabiliri decernimus; omnibus maxime quae in ipso, et ab ipso ad sacerdotalis gradus acceptionem vel damnationem acta sunt in irritum ductis. Dicit enim universorum Deus per prophetam: *Quia tu scientiam repulisti, et ego repellam te, ne sacerdotio fungaris mibi*¹; et oblita es legum Dei tui, et ego obliviscar filiorum tuorum. Si secundum multitudinem eorum sic peccaverunt mibi, gloriam ipsorum in inbonorantiam ponam: peccata populi mei comedent, et in iniustitiis suis accipient animas suas³. Et iterum dicit: *Quia multiplicavit Ephrem altaria in peccatum, facta sunt ei altaria delicta: scribam in ea multitudinem*^{*}.

30

1 Cf. Ac 20, 29. » Os 4, 6. 1 Os 4, 6-8. * Os 8, 11.

4

The upstart Photius never seems to have been a bishop, and those who were consecrated in whatever priestly grade are not to be considered such as he called them, and the honours which were conferred by him are not to be given them, but everything he did to bestow the priesthood on others is to be made void

In tearing up by the roots the love of power, as being an evil root nourishing the scandals which have arisen in the church, we condemn, with a just decree, him who boldly, cunningly and unlawfully, like a dangerous wolf, leapt into the sheepfold of Christ¹; we are speaking about Photius, who has filled the whole world with a thousand upheavals and disturbances. We declare that he never was nor is now a bishop, nor must those, who were consecrated or given advancement by him to any grade of the priesthood, remain in that state to which they were promoted. Moreover, we debar from this kind of preferment those who received from Photius the customary rescripts for promotion to special office.

As for the churches which Photius and those who were ordained by him are thought to have consecrated and the altars which they are thought to have renovated after they had been torn down, we decree that they are to be consecrated, anointed and renovated again. In sum, everything that was done in his person and by him, for the establishing or penalizing of the sacerdotal state, has been abrogated. For the God of the whole universe says through his prophet: *Because you have rejected knowledge, I reject you from being a priest to me*²; and, *You have forgotten the laws of your God, I also will forget your children. The more they increased, the more they sinned against me; I will change their glory into shame. They feed on the sin of my people; they bloat their souls with their iniquities*³. And again he says: *Because Ephraim has multiplied altars for sinning, they have become to him altars for sins; I will write copiously about them*⁴.

¹ See Ac 20, 29. ² Hos 4, 6. ³ Hos 4, 6-8. ⁴ Hos 8, 11.

*Qtk-d non oporteat de senatoria dignitate, reI de
aàquo lamrim erdim, nuper tonsum eligi re!
sumpi patr-.arcbam, nisi secundum definitionem,
quae prolata est ab hac sancta et magna synodo,
5 inreniatur*

Omnem canonicam stabilitatem in ecclesiis semper manere in Christo providere cupientes, renovamus et confirmamus terminos et vacatio-
10 nes, quae olim a sanctis apostolis et beatis patribus nostris editae, legem in ecclesia posuerunt, non oportere antistitem promovere quemquam, qui est vel secundum
15 fidem, vel secundum sacerdotalem sortem neophytus, *ne inflatus, in indicium incidat, et laqueum diaboli*, sicut dicit Apostolus. Prioribus ergo canonibus concordantes, defini-
20 nimus; neminem de senatoria dignitate, vel mundana conversatione nuper tonsum super intentione vel expectatione pontificatus vel patriarchatus honoris, clericum aut mona-
25 chum factum, ad huiusmodi scandere gradum, licet per singulos ordines divini sacerdotii plurimum temporis fecisse probetur: neque enim propter religionem vel amore -n Dei, aut propter expectationem transeundi viam virtutum, sed ob amorem gloriae ac principatus tonsus huiusmodi reperitur: magis autem coercemus huiusmodi, si ab
30 imperatoria dignitate ad hoc compellatur.

Si vero quis per nullam suspicionem praedictae concupiscentiae expectationis, sed propter ipsum bonum humilitatis, quae est circa Christum lesus, abrenuntians mundo, fiat clericus, aut monachus, et omnem gradum ecclesiasticum trans-
33 igens, per definita nunc tempora irreprehensibilis inventus exstiterit et probatus, ita ut in gradu lectoris annum compleat, in subdiaconi vero duos, sitque diaconus tribus, et presbyter quatuor annis, bene pla-

Κανών ἐστὶν ὁ λέγων* Μὴ δεῖν ἐπισκοπον προχειρίζεσθαι τινὰ νεόφυτον ἢ κατὰ τὴν πίστιν, ἢ κατὰ τὸν ἱερατικὸν κλῆρον ὑπάρχοντα, ἵνα μὴ τυφωθεῖ εἰ κρίμα ἐμπέσῃ καὶ παγίδα τοῦ διαβόλου¹, καθά φησιν ὁ Παῦλος. Συμφώνω τοίνυν τούτῳ λέγομεν, μηδένᾳ τῶν ἀπὸ τῆ συγκλητικῆς ἁζίας καὶ κοσμικῆς αγωγῆς προσφάτῳ καρέντα, καὶ κατὰ σκοπὸν καὶ προσδοκίαν ἀρχιερατικῇ ἢ πατριαρχικῇ τιμῇ γεγονότα κληρικὸν ἢ μοναχόν, εἰ τὸν τοιοῦτον ἀναβιβάζειν βαθμόν, καν ἐφ' ἐκάστῳ τάγματι τῇ θείᾳ ἱερῶσύνῃ πλείονα χρόνον ποιῆσῃ δοκιμαζόμενον. οὐδὲ γὰρ δι' εὐλάβειαν, ἀλλὰ διὰ φιλαρχίαν κέκαρται· ἐτι δὲ πλεον τοῦτον ἀπείργομεν, εἰ παρὰ βασιλικὴ ἐξουσία εἰ τοῦτο συνώθηται.

Εἰ δέ τι κατ' οὐδεμίαν ὑποψίαν τῇ εἰρημένῃ ἐπιθυμία καὶ προσδοκίᾳ ἐκάρῃ, ἀλλὰ διὰ τὸ καλὸν τῇ κατὰ Χριστὸν πολιτεία γέγονε κληρικὸ ἢ μοναχὸ καὶ πάντα βαθμόν ἐκκλησιαστικὸν μετελθὼν κατὰ τοῦ ὠρισμένου χρόνου ἀνεπίληπτο εὐρέθῃ, προβιβασθῇτω εἰ τὴν ἀρχιερωσύνην, ὥστε ἐν τῷ βαθμῷ τοῦ ἀναγνώστου ἐνιαυτὸν πληρῶσαι, ἐν δὲ τῷ τοῦ υποδιακόνου δύο, καὶ ἐν τῷ τοῦ διακόνου τρεῖς, καὶ τέσσαρα ἐν τῷ τοῦ πρεσβυτέρου* ἐπὶ δὲ

1 1 Tm 3, 6-7.

5

A person who has recently received the tonsure and comes from the senatorial order or any lay rank should not be chosen or accepted as patriarch unless it happens in accordance with the decree issued by this holy and great synod

Since we desire to ensure, in Christ, that the stability of the canons should always remain firm in the churches, we renew and confirm the limits and conditions which were formerly decreed by the holy apostles and our holy fathers and which made it a law in the church that nobody, who is a neophyte in the faith or priestly office, should be made a bishop, *lest he be puffed up and fall into the judgment and snare of the devil*¹, as the Apostle says. Therefore, in accordance with the previous canons, we declare that nobody of senatorial rank or a secular way of life, who has recently been admitted to the tonsure with the intention or expectation of the honour of becoming a bishop or patriarch, and who has been made a cleric or monk, should rise to such a level, even if he is shown to have completed a considerable time in each stage of the divine priesthood. For it is clear that the tonsure was not received for religious reasons, love of God or hope of progressing along the path of the virtues, but for love of glory and honour. We exclude such people still more rigorously if they are pushed forward by imperial backing.

However, if someone gives no suspicion of seeking the worldly benefits just mentioned, but, prompted by the actual good of a humility which is centred on Christ, renounces the world and becomes a cleric or monk and, while passing through every ecclesiastical grade, is found without reproach and of good character during the periods of time currently established, so that he completes one year in the order of lector, two in that of subdeacon, three as deacon and

¹ 1 Tm 3, 6-7.

cuit huic sanctae et universali synodo eligi hunc et admitti. Circa hos autem qui religiose morati sunt ordine clericorum, et monachorum, digni iudicati sunt pontificatus dignitate pariter et honore; praedictum tempus abbreviamus, nimirum secundum quod episcoporum praelati probaverint qui per tempora fuerint. Si vero praeter hanc definitionem nostram quisquam ad iam fatum supremum honorem provectus exstiterit, reprobetur, et ab omni sacerdotali operatione prorsus abiiciatur, utpote qui extra sacros canones sit promotus.

VI

De prolata anathemate contra Photium, etiam propter falsorum ficariarum contra beatissimum papam Nicolaum intentionem, et contra eum fictae falso scriptorum libellorum, et quod oporteat omnes qui tale quid egerint abiicere et anathematizare

Quoniam quidem apparuit Photius post prolatam contra se justissimam sententiam, et damnationem a sanctissimo papa Nicolao propter nequissimam invasionem Constantinopolitanorum ecclesiae cum aliis malis operibus suis, etiam quosdam nequam et adulatores de plateis et vicis invenisse, et vicarios hos sanctissimarum trium patriarchalium sedium orientis nominasse ac proposuisse, atque cum his ecclesiam malignantium¹, et concilium vanitatis colligens, depositorias accusationes et crimina contra beatissimum papam Nicolaum commovisse; et anathema procaciter et audacter contra eum, et cunctos communicantes ei, saepe promulgasse, quorum quasi monumentorum libros nos quoque vidimus, ab ipso maligno opere ac fallaci dictatione consutos, qui etiam synodice ab igne consumpti sunt:

Ἐπεὶ περ κατεφωράθη Φώτιο μετὰ τὴν ἐνεχθεῖσαν κατ' αὐτοῦ δίκαιο-
τάτην ἀπόφασιν παρὰ τοῦ ἁγιωτά-
του πάπα Νικολάου, διὰ τὴν ἀθε-
σμοτάτην ἐπίβασιν τῇ Κωνσταντι-
νουπολιτῶν ἐκκλησίᾳ, πονηροῦ τι-
νο ἀνδρα ἀπὸ τῶν λεωφόρων ἀ-
γυιῶν εὐρηκῶ, καὶ τοποτηρητὰ
αὐτοῦ τῶν ἁγιωτάτων πατριαρ-
χικῶν θρόνων κατονομάσα, καὶ σὺν
τούτοις ἐκκλησίαν συστησάμενο πο-
νηρευομένων¹, καθαιρετικὰ συκοφαν-
τῖα καὶ διαβολὰ κατὰ τοῦ μακαρίου
πάπα Νικολάου τυρεῦσα, καὶ τὸ
ἀνάθεμα λαθραίῳ κατ' αὐτοῦ καὶ
τῶν κοινωνούντων αὐτῷ ἀποφηνά-
μενο, ὧν τὰ δῆθεν ὑπομνήματα
συνοδικῶ πυρίκαυστα γέγονε· τοῦ-
του χάριν πρὸ ἀσφάλειαν τῇ ἐκ-
κλησιαστικῇ καταστάσει ἀνα-
θεματίζομεν τὸν εἰρημένον Φώτιον,
καὶ διὰ τὴν αὐτὴν αἰτίαν καὶ τοῦ
ἀπὸ τοῦ νῦν τοιοῦτόν τι τολμήσοντα
τῷ ἀναθέματι ὑποβάλλομεν, καθώ

¹ Cf. Ps 25, 5.

four as priest, this holy anti universal synod has decreed that such a one may be chosen and admitted. As for those who have remained religiously in the order of cleric or monk and have been judged worthy of the dignity and honour of the episcopacy, we reduce the aforesaid period of time to that which the superiors of these bishops approved at the time. If, however, anyone has been advanced to this supreme honour contrary to this directive of ours, he must be condemned and completely excluded from all priestly functions, because he has been elevated contrary to the sacred canons.

6

On the anathema pronounced against Photius, both for creating false vicars to oppose the most blessed pope Nicholas and for fabricating written charges against him which were both contrived and false, and that all who have done such a thing should be cast out and declared anathema

It appears that Photius, after the sentences and condemnations most justly pronounced against him by the most holy pope Nicholas for his criminal usurpation of the church of Constantinople, in addition to his other evil deeds, found some men of wicked and sycophantic character from the squares and streets of the city and proposed and designated them as vicars of the three most holy patriarchal sees in the east. He formed with these a church of evil-doers and a fraudulent council and set in motion accusations and charges entailing deposition against the most blessed pope Nicholas and repeatedly, impudently and boldly issued anathemas against him and all those in communion with him. The records of all these things have been seen by us, records which were cobbled together by him with evil intent and lying words, and all of which have been burnt during this very synod.

* See Ps 25, 5.

Huius rei gratia pro cautela cede- και ὁ τη εὐσεβεία αθλητῇ Μαρ-
 siastici ordinis anathematizamus τὶνο ἐκανόνισεν¹.
 quidem primitus praedictum Pho-
 tium etiam propter huiuscemodi causam: deinde vero et omnem qui
 s amodo in calliditate fraudulenter egerit, et verbum veritatis adulterave-
 rit, et falsos vicarios simulaverit, vel libros dictatus mendacis finxerit,
 et ad propriorum favorem votorum commentatus fuerit, quemadmodum
 et fortissimus pietatis athleta Martinus, sanctissimus papa Romanus, tales
 synodice pepulit¹.

VII

10 **¶** *non °pwteat anathematizatos a sancta et
 unirsali synodo honorandas et sanitas imagines
 pingere, re! docere disciplinas divinae ac humanae
 sapientiae*

Quod iustum est, et iuste exequen- Τὸ τὰ ἅγια καὶ σεπτὰ εἰκόνα
 15 dum, deiloquus Moyses evidenter ἀναστηλούν καὶ τοῦ πλησίον διδά-
 lege promulgat². Cum bonum non σκεῖν τὰ μαθήματα τη θεία τε καὶ
 sit bonum, nisi secundum rationem ἀνθρώπινη σοφία, λίαν ὀνησιφό-
 efficiatur; bonum ergo profecto et ρον οὐ καλόν δέ τοῦτο μὴ παρὰ
 valde proficuum est, sanctas et ve- τῶν ἁγίων γίνεσθαΓ τοῦτου χάριν
 nerabiles iconas pingere, sed et pro- μηδαμῶ εἰκονουργεῖν ἐν τοῖ ἱεροῖ
 ximos disciplinas divinae ac hu- ναοῖ τοῦ ἀναθεματισθέντα θεσπί-
 manae sapientiae docere: non autem ζομεν, μήτε μὴν ἐν οἰωδήποτε τόπω
 bonum est, nec omnino proficuum, διδάσκειν, μέχρι ἀν ἐπιστραφῶσιν
 ab indignis horum aliquid fieri. ἐκ τη Ἰδία ἀπάτη. Εἴ τι οὖν μετὰ
 Huius rei gratia nequaquam ico- τοῦτον ἡμῶν τὸν ὁρον προ ζωγρα-
 nas operari in sacris templis, sed φικήν ἁγίων εἰκόνων ἐν ἐκκλησία
 neque in quovis loco docere anathe- ἡ διδασκαλικήν αὐτοῦ ὁπωσοῦν πα-
 matizatos ab hac sancta et univer- ραδέξοιτο πράξιν, εἰ μὲν κληρικό
 sali synodo definimus et promul- ἔστιν, εἰ τὸν ἴδιον κινδυνευέτω βαθ-
 30 gamus, usquequo a propria seduc- μόν, εἰ δὲ λαϊκό, ἀφοριζέσθω, καὶ
 tione ac malitia convertantur. Quis- στερείσθω τῶν θείων μυστηρίων.
 quis ergo post hanc definitionem
 nostram ad picturae sanctarum imaginum in ecclesiis aut doctrinae acti-
 onem quoquo modo eos admiserit, si quidem clericus fuerit, proprio
 35 gradu periclitetur, si vero laicus, separetur, et divinojūm mysteriorum
 communione privetur.

¹ Cf. Conc. Lat. Rom. (649), c. 20 (Nisi 10, 1059-1062).

¹ Cf. Dt 16,20.

Therefore, to safeguard church order, we anathematize first and foremost the above-mentioned Photius for the reason given; next everyone who henceforth acts deceitfully and fraudulently and falsifies the word of truth and goes through the motions of having false vicars or composes books full of deceptions and explains them in favour of his own designs. With equal vigour Manin, the most holy pope of Rome, a valiant contender for the true faith, rejected behaviour of this kind by a synodal decree¹.

7

Those declared anathema by the holy universal synod are not to paint holy images for veneration or to teach the disciplines of divine and human wisdom

Moses, the divine spokesman, clearly declares in his law that what is right should also be rightly executed², since a good act is not good unless it is carried out in accordance with reason. So it is indeed good and very advantageous to paint holy and venerable images as also to teach others the disciplines of divine and human wisdom. But it is not good nor at all profitable for any of these things to be done by those who are unworthy.

For this reason we declare and proclaim that those declared anathema by this holy and universal synod may not, on any account, work on sacred images in holy places of worship nor teach anywhere at all, until they are converted from their error and wickedness. Whoever, therefore, after this directive of ours, admits them in any way to paint sacred images in churches, or to teach, must be removed from office if he is a cleric; if he is a lay person, he must be excommunicated and debarred from taking part in the divine mysteries.

¹ See Lateran council at Rome (649), canon 20 (Msi 10, 1059-1062).

² See Dt 16, 20.

VIII

*Qusd non oporteat cpumcumque patriarcham
sanctae et Constantinopolitanorum ecclesiae exigere
chirographa a sacerdotali catalogo ad propriam
quasi stabilitatem atqne securitatem*

Omnia mihi licent, sed non omnia expeditent, omnia mihi licent, sed non omnia aedificantl, dicit alicubi Paulus magnus apostolus. Igitur quoniam omnia ad utilitatem et perfectionem sanctae Dei ecclesiae, et nihil omnino per contentionem vel inanem gloriam facere debemus; et quoniam auditibus nostris fama sonuit, quod non solum haeretici, et ii qui sanctae Constantinopolitanorum ecclesiae sacerdotium sortiti, sed et orthodoxi ac legitimi patriarchae a sacerdotali catalogo propriae manus scripta facere ad propriam tutelam, favoremque suum et quasi stabilitatem exigant et compellant; visum est sanctae huic et universali synodo, nequaquam id ex hoc a quopiam fieri, excepto eo quod secundum formam et consuetudinem pro sincera fide nostra tempore consecrationis episcoporum exigitur; quod enim aliter fit, omnino non expedit, sed neque ad aedificationem ecclesiae pertinet. Quisquis ergo ausus fuerit solvere hanc definitionem nostram, aut expetierit, aut paruerit expetentibus, honore proprio decidat.

τὴλθε φήμη ταῖ ἀκοαὶ ἡμῶν, ὥ 5
οὐ μόνον αἱρετικοὶ καὶ παράνομοι
τῇ αγία Κωνσταντινουπολιτῶν ἐκ-
κλησία προεδρεύειν λαχόντε, ἀλλὰ
καὶ ὀρθόδοξοι πατριάρχαι χειρόγρα-
φον ποιεῖν ἀπαιτοῦσι πρό ἰδίων 10
συνασπισμόν. Ἐδοξεν οὖν τῇ αγία
ταύτῃ καὶ οἰκουμενικῇ συνόδῳ, μη-
δαμῶ ἀπὸ τοῦ νῦν γίνεσθαι τοῦτο,
πλήν τοῦ κατὰ τύπον καὶ συνήθειαν
ὑπὲρ τῇ εἰλικρινοῦ πίστει ἡμῶν 15
ἀπαιτουμένου κατὰ καιρὸν τῇ τῶν
ἐπισκόπων χειροτονία. Ἐτ τι οὖν
τολμήσει παραλῦσαι τοῦτον ἡμῶν
τὸν ὅρον, τῇ ἰδίᾳ ἐκπιπτέτω τιμῇ, 20

IX

*De subvertendo et salvendo vinculo proprii scripti, quod Pbotio excogitatum
et exactum est ab omnibus volentibus exteriorem discere sapientiam*

Variam et diversam malitiam antiquitus in ecclesia Constantinopoli- 30
tana infelix operatus est Photius. Didicimus enim, quod et multo ante
tyrannicum praesidiatum propriae manus subscriptionibus muniebat
adhaerentes sibi clientes, ad descendam sapientiam, quae a Deo stulta
facta est², cum manifeste nova esset inventio, et sanctis patribus nostris
et magistris ecclesiae penitus aliena. 35

Igitur quoniam omnem colligationem iniquitatis solvere³, et chirographa
violentorum contractuum dirumpere praecipunt, definivit sancta et uni-
versalis synodus, neminem ex his omnibus a nunc tale tenere vel servare
chirographum, sed absque quolibet offendiculo indubitanter et intrepide
tam docere, quam discere omnes⁴, qui ad utrumque consistunt idonei, 40
praeter eos qui erroris inveniuntur et haereticae impietatis servituti redacti;

¹ 1 Cor 6,12 et 10,23. ² CEI Cor 1,20. ³ Cf. Is 58, 6.

8

No patriarch of the holy church of Constantinople should demand from any of his clergy a signed pledge to guarantee the security of his person or position

The great apostle Paul says somewhere: *All things are lawful for me, hut not all things are helpful; all things are lawful for me, but not all things are beneficial*¹. Therefore, we ought to do everything for the advantage and perfection of the holy church of God and nothing at all to promote controversy and vainglory. Since a report has come to our ears that not only heretics and those who have wrongly obtained the patriarchate of Constantinople, but also the orthodox and legitimate patriarchs, demand and extract from the order of priests guarantees, written in their own hands, which are designed for the security, benefit and, as it were, permanence of the above persons, it has therefore seemed good to this holy and universal synod that nobody at all should do this from now on, with the exception of what is demanded at the time of episcopal consecrations, according to rule and custom, in order to witness to the purity of our faith; every other way of doing it is completely inappropriate and has no part in the building up of the church. So whoever dares to nullify this directive of ours, either by asking for such a document or by providing it to those who ask, shall lose his own office.

9

On the annulling of the signed contracts that Photius invented and demanded from all those wanting to learn worldly wisdom

From the very beginning the wretched Photius brought about in the church of Constantinople an abundance of all kinds of wickedness. We have learnt that even before his tyrannical period in office he used to give documents, signed by his own hand, to his followers who were learning the wisdom that has been made foolish by God², even though this system was clearly a new invention and thoroughly alien to our holy fathers and doctors of the church.

Since therefore they direct us to loose every bond of wickedness³ and to make void enforced contracts, the holy and universal synod has declared that nobody, from now on, should hold or keep such a contract; but all, without hindrance, hesitation or fear, may both teach and study if they are competent for either task, with the exception of those who are found to be enslaved to error or heretical

¹ 1 Cor 6, 12 and 10, 23. ² See 1 Cor 1, 20. ³ See Is 58, 6.

huiusmodi enim certissime et docere et discernere interdicimus. Si quis autem deprehensus fuerit hanc definitionem nostram spernens atque praevaricans, si quidem clericus est, a proprio gradu decadat; laicus vero sequestretur, utpote qui non credit dominico verbo perhibenti: *Quodcumque ligaveris super terram, erit ligatum et in caelis, et quodcumque solveris super terram, erit solutum et in caelis*¹.

X

Θ

Ut ante distinctam examinationem, et synodicam indicationem nullus clericus a proprio episcopo, aut episcopes a proprio metropolita, rei a proprio patriarcha se ullo modo segreget

10

Divina manifesto clamante scriptura: *Ante examinationem ne viiuperes*² et intellige primum, et tunc increpa; et *numquid lex nostra iudicat*
i» *bominem, nisi prius audierit ab eo, et cognoverit, quid faciat?*² iuste et congruenter et haec sancta et universalis synodus definit et statuit, quod nullus laicorum, vel monachorum,
20 aut nullus ex catalogo clericorum, ante diligentem examinationem et synodicam sententiam a communione se separet proprii patriarchae, licet criminalem quamlibet causam
25 eius se nosse praetendat, sed neque recusset nomen ipsius referre inter divina mysteria vel officia.

Τῇ θείᾳ ἀναφανδὸν βοῶσῃ γραφῇ, ἡ πρό ἐξετάσεω μὴ μέμψῃ*², δικάϊω καὶ συμφερόντῳ ἡ ἁγία καὶ οἰκουμενικὴ αὕτῃ σύνοδος ορίζει μηδένα μοναχὸν ἢ λαϊκὸν ἢ τινὰ τοῦ καταλόγου τῶν κληρικῶν πρό τῇ ἀκριβοῦ ἐξετάσεω καὶ συνδικῇ ἀποφάσεω ἀπὸ τῆ κοινωνίας ἑαυτὸν ἀφορίζειν τοῦ ἰδίου πατριάρχου, καν ἐγκληματικὸν τι γινώσκειν διατείνεται πράγμα' παραπλησίῳ δὲ καὶ τοῦ ἐν ἐξωτικαῖ πόλεσι καὶ χώραι ἐπισκόπου καὶ ἱερεὶ διατίθεσθαι πρό τοῦ ἰδίου μητροπολίτα ὀρίζομεν, ὥσπερ καὶ τοῦ μητροπολίτα πρό τὸν ἴδιον πατριάρχην. Εἰ δὲ τι ἐναντία τῇ

Similiter autem episcopos et presbyteros, qui in exterioribus civitatibus et regionibus sunt, erga proprios metropolitans affectare mandamus: quod etiam circa patriarcham suum facere metropolitas oportet. Si vero quis adversus hanc sanctam synodum deprehensus fuerit agere, si quidem episcopus aut clericus est,

οἰκουμενικῇ ταύτῃ συνόδῳ φωραθῇ διαπραττόμενο, εἰ μὲν ἐπίσκοπό ἐστίν ἢ κληρικό, ἐκπιπτέτω πάσῃ ἱερατικῇ τε ἐνεργείᾳ καὶ τιμῇ. εἰ δὲ μονάζων ἢ λαϊκό, ἀφοριζέσθω πάσῃ ἐκκλησιαστικῇ κοινωνίᾳ καὶ συντάξεω, μέχρι ἀν ἐπιστρέψῃ ἐν μετανοίᾳ δεχθῇ.

ab omni sacerdotali operatione decadat et honore; monachus autem aut laicus segregetur ab omni ecclesiastica communione atque collegio, quousque conversus per poenitentiam recipiatur.

¹ Mt 16,19. ² J Ed 11,7. » Io 7, 51.

beliefs since we strictly forbid such persons to teach or to pursue studies. If anyone shall be found rejecting and transgressing against this directive, he shall lose his rank if he is a cleric; if a lay person, he shall be excommunicated as one who does not believe the Lord's word which says, *Whatever you bind on earth shall be bound in heaven, and whatever you loose on earth shall be loosed in heaven*¹.

10

No cleric shall separate himself in any way from his bishop, nor a bishop from his metropolitan or patriarch, before a detailed enquiry and a formal decision in synod

As divine scripture clearly proclaims, *Do not find fault before you investigate*², and understand first and then find fault, and *does our law judge a person without first giving him a hearing and learning what he does*³. Consequently this holy and universal synod justly and fittingly declares and lays down that no lay person or monk or cleric should separate himself from communion with his own patriarch before a careful enquiry and judgment in synod, even if he alleges that he knows of some crime perpetrated by his patriarch, and he must not refuse to include his patriarch's name during the divine mysteries or offices.

In the same way we command that bishops and priests who are in distant dioceses and regions should behave similarly towards their own metropolitans, and metropolitans should do the same with regard to their own patriarchs. If anyone shall be found defying this holy synod, he is to be debarred from all priestly functions and status if he is a bishop or cleric; if a monk or lay person, he must be excluded from all communion and meetings of the church until he is converted by repentance and reconciled.

Mt 16, 19. 2 Echu, 7. 3 Jn 7, 51.

XI

I

*Quod oportet anathematizare omnem qui impie ac
laesis sensibus habere hominem duas animas
opinatur*

Veteri et novo testamento unam animam rationabilem et intellectualem habere hominem docente, et omnibus deiloquis patribus et magistris ecclesiae eamdē opinionem asseverantibus, in tantum impietatis quidem, malorum inventionibus dantes operam, devenerunt, ut duas eum habere animas impudenter dogmatizare, et quibusdam irrationalibus conatibus per sapientiam, quae stulta facta est¹, propriam haeresim confirmare pertentent.

Itaque sancta haec et universalis synodus, veluti quoddam pessimum zizanium, nunc germinantem nequam opinionem, evellere festinans;

imo vero *ventilabrum in manu-*

veritatis portans, et igni inextinguibili transmittere omnem paleam, et aream Christi mundam exhibere³ volens, talis impietatis inventores et patratores, et his similia sentientes, magna voce anathematizat, et definit, atque promulgat, neminem prorsus habere, vel servare quoquo modo statuta huius impietatis auctorum. Si autem quis contraria gerere praesumpserit huic sanctae et magnae synodo, anathema sit, et a fide atque cultura Christianorum alienus.

XII

*De non recipiendis ullo modo electionibus episcoporum per principale suffragium
et potentiam factis*

Apostolicis et synodicis canonibus, promotiones et consecrationes episcoporum et potentia et praeceptione principum factas penitus interdicentibus, concordantes definimus et sententiam nos quoque proferimus, ut si quis episcopus per versutiam vel tyrannidem principum huiusmodi dignitatis consecrationem susceperit, deponatur omnimodis, utpote qui non ex voluntate Dei, et ritu ac decreto ecclesiastico, sed ex voluntate carnalis sensus ex hominibus et per homines Dei donum possidere voluit vel consensit.

¹ Cf. I Cor 1,20.

» Mt 3, 12; Lc 3,17.

³ Cf. Mt 3, 12; Lc 3,17.

11

It is necessary¹ to declare anathema everyone who irreligiously and senselessly holds that a human being has two souls

Though the old and new Testament teach that a man or woman has one rational and intellectual soul, and all the fathers and doctors of the church, who are spokesmen of God, express the same opinion, some have descended to such a depth of irreligion, through paying attention to the speculations of evil people, that they shamelessly teach as a dogma that a human being has two souls, and keep trying to prove their heresy by irrational means using a wisdom that has been made foolishness¹.

Therefore this holy and universal synod is hastening to uproot this wicked theory now growing like some loathsome form of weed. Carrying *in its hand the winnowing fork*² of truth, with the intention of consigning all the chaff to inextinguishable fire, and making clean the threshing floor of Christ³, in ringing tones it declares anathema the inventors and perpetrators of such impiety and all those holding similar views; it also declares and promulgates that nobody at all should hold or preserve in any way the written teaching of the authors of this impiety. If however anyone presumes to act in a way contrary to this holy and great synod, let him be anathema and an outcast from the faith and way of life of Christians.

12

Elections of bishops are on no account to be recognized when they have been carried through by means of the favour and power of the secular authorities

The apostolic and conciliar canons clearly forbid the nomination and consecration of bishops which have come about as a result of the power and intrigues of the civil authorities. Therefore we declare and proclaim, in full agreement with them, that if any bishop has received his consecration through the manipulation and constraint of such persons, he should be deposed absolutely as one who has desired and consented to have the gift of God not from the will of God and ecclesiastical law and decree, but from human beings and through their machinations as a result of the prompting of carnal desire.

¹ See 1 Cor 1, 20. ² Mt 3, 12; Lk 3, 17. ³ See Mt 3, 12; Lk 3, 17.

XIII

*Q»*d oporteat in magna ecclesia, in minori gradu constitutos ad maiores honores opportune contendere; red non tor quiforit sunt inter illos admitti, sed nec eos in eadem ecclesia connumerari ont constitui, qui procurant, seu tuentur proastia, vel saecularium domos*

Quoniam quidem dicit alicubi divinum eloquium: *Dignus est operarius*
 5 *mercede sua*|- huius rei gratia et nos decernimus, et promulgamus, ut
 magnae ecclesiae clerici, qui in subiectis ordinibus morati sunt, ad
 maiores gradus ascendant, et, si digni claruerint, melioribus perfrui
 mereantur honoribus, cum aliqui eorum, qui in ipsis sunt, aut per
 incrementum ad superiora ministeria advocati fuerint, aut per com-
 10 munem naturae terminum dormientes defuerint; sed non ex illis, qui
 foris sunt, aliqui se his innectentes, debitas eis, qui multo tempore la-
 boraverunt, dignitates vel honores recipiant; ac per hoc inveniantur
 ecclesiae clerici nullo modo proficere.

Nullatenus autem habeant potestatem, qui principum domorum seu
 is suburbanarum rerum curam gesserint, inter clerum magnae ecclesiae
 colligi, vel constitui: *nemo quippe Deo militans saeculi negotiis implicatur*².
 Si vero quis praeter definitionem quam nunc protulimus promotus fuerit
 in quocumque magnae ecclesiae gradu, reprobetur omnimodis ab omni
 ecclesiastico gradu, tamquam qui contra magnam synodum proventus
 so exstiterit.

XIV

IA

*Quod oporteat eas, qui per divinam gratiam ad
 episcopale officium convocantur, omnem
 reverentiam et bcncrem mereri ab iis qui per
 tempora aut strategatus ministerium sortiuntur,
 25 aut aliter principari videntur*

Eos qui a divina gratia ad episcopale
 advocantur officium, tamquam ima-
 ginem et figuram ferentes sancto-
 rum caelestium hierarchiarum, id est
 30 angelorum, secundum hierarchicum
 plane gradum et morem, omni ho-
 nore dignos ab omnibus principibus
 et subditis sancimus haberi.

Et nequaquam strategis, vel qui-
 35 buslibet aliis principibus obvios
 procul ab ecclesiis suis occurrere,
 sed neque semet a multo spatio de
 equis vel mulis eiicere, aut cum
 timore ac tremore procidere ac
 io adorare; sed nec cum saecularibus
 principibus ad mensam intrare hora
 prandii, eosdem quos illi honores

Τοῦ ὑπὸ τη θεία χάριτι εἰ την
 ἐπισκοπικην προκληθέντα διακο-
 νίαν, ὡ εἰκόνα καὶ τύπον φέροντα
 τῶν αγίων καὶ οὐρανίων ιεραρχιών,
 30 πάση τιμῇ ἁ ιοῦσθαι παρὰ πάν-
 των των αρχόντων καὶ ἀρχομενών
 θεσπίζομεν, καὶ μηδαμῷ ἡ στρα-
 τηγοῦ ἡ τισιν ἄλλοι ἀρχουσι προῦ-
 πανταν πόρρωθεν τῶν ιδίων ἐκκλησι-
 ῶν, μήτε τῶν ἱππων ἡ ἡμιόνων εαυ-
 τοῦ ἀπορριπτοῦντα σὺν φόβῳ καὶ
 τρόμῳ προσπίπτειν καὶ προσκυνεῖν
 εἰ δέ τι ἐπίσκοπο μετὰ τὸν ὅρον
 τη ἁγία συνόδου τη ὀφειλομένη
 αὐτῷ καταφρονήσοι τιμῇ καὶ κατα-
 δέξοιτό τι ποιῆσαι παρὰ τὰ νῦν ο-
 ρισμένα, ἀφορισθῆτω ἐπὶ ἐνιαυτὸν

1 Le, 10 7. * 2 Tm 2,4.

13

In the great church [of Constantinople], those [clerics] in a lower order should have the opportunity to seek higher dignities: but those from outside should not be admitted among them, and those who have responsibility for the management of the estates or houses of lay people should not be accepted or inducted into this great church

The divine word says, *The worker is worthy of his pay*'. For this reason we too decree and proclaim that the clerics of the great church [of Constantinople], who have served in the lower orders, may rise to the higher grades and, if they have shown themselves worthy, may deservedly enjoy higher dignities, since some of those who now enjoy them either will be called through promotion to more important duties or will vacate them by dying. But those who do not belong to this particular clergy and yet insinuate themselves into it, must not receive the dignities and honours due to those who have laboured in it a long time, for in that case the clerics of the church [of Constantinople] would be found to have no promotion.

Those who manage the houses or estates of leading persons must by no means have the possibility of being admitted or inducted into the clergy' of the great church [of Constantinople]: *No soldier on service for God gets entangled in civilian pursuits*². If indeed anyone, contrary to the directive we have now issued, is promoted to any dignity whatsoever in this great church, he must be excluded from all ecclesiastical dignity as one who has been promoted contrary' to the decision of the great synod.

14

It is necessary that those who through divine grace are called to the office of bishops, should rightfully receive all reverence and honour from those who, at the time, hold the office of general or are otherwise regarded as occupying a high post

We declare that those who are called by divine grace to the office of bishop, since they bear the image and likeness of the holy hierarchies in heaven, that is of the angels, in accordance with what is clearly an hierarchical dignity and function, should be held as worthy of all honour on the part of everyone, rulers and ruled alike.

We also declare that they must not go to meet a general or any other high official a long way from their churches, nor should they dismount from their horses or mules a long way off or bow down in fear and trembling and prostrate themselves; nor should they go to table for dinner with secular dignitaries and

¹ Lk 10, 7. ² 2 Tm 2, 4.

strategis exhibentes, sed secundum ἕνα' καὶ ὁ ἀρχὼν ἐκεῖνο ἐπὶ δύο congruentiam spiritalis dignitatis, ἔτεσι μὴ καταξιώθῃ τῇ μεταλή- ac honoris sui, reddere quidem om- ψεω τῶν αγιασμάτων.

nibus debita, *cui vectigal, vectigal, cui*

*honorem, honorem*¹: praeferri autem et multam a principibus amicorum Christi imperatorum venerationem, et reverentiam promereri confesso- res eorum, et honoris similis existentes; ita ut fiduciam habeant episcopi arguere strategos multoties, et alios principes, atque omnem sacculi dignitatem, cum iniustum et irrationabile agere quid illos invenerint, et per hoc corrigere et reddere meliores. 10

Si vero aliquis episcopus, post definitionem sanctam synodi, debitum et canonice collatum sibi contempserit honorem, et quid secundum veterem et inhumanam ac inordinatam consuetudinem, praeter quae nunc definita sunt, fieri permiserit, sequestretur anno uno, et princeps ille duobus annis non mereatur percipere mysteriorum nec sanctificationum 15 communionem.

XV

Quod non oporteat alienare cimelia, reiper emphyteutim talaria eceleriarum tribuere

Apostolicos et paternos canones renovans sancta haec universalis synodus, definivit neminem prorsus episcopum vendere vel utcumque alienare cimelia et vasa sacrata, excepta causa olim ab antiquis canonibus ordinata, 20 videlicet quae accipiuntur in redemptionem captivorum; sed nec tradere salaria ecclesiarum in emphyteutica pacta, nec alias rusticas possessiones venundare, ac per hoc ecclesiasticos redditus laedere, quod ad propriam utilitatem et ob escam pauperum et peregrinorum sustentationem esse decernimus: omnem vero ecclesiasticarum rerum potestatem habentem 25 et has meliorare, ac dilatare prout oportuerit ecclesiastica loca, per quae redditus fiunt; et insuper propriarum rerum dispositionem, distribuere ac committere seu conferre quibuscumque voluerit et iudicaverit iuxta propriam potestatem ac dominatum.

Quisquis autem apparuerit post hanc definitionem nostram contrarium 30 quid huic sanctae et universali synodo agere, deponatur ut praevaricator divinarum legum et praeceptorum, cassata videlicet omnino quae facta est in scriptis vel sine scriptis ab episcopo venditione, vel emphyteutica traditione, vel alia quavis alienatione, cimeliorum scilicet et salariorum locorum. Qui vero emerit aut perceperit aliquid ex praedictis cimeliis 35 vel salariis, et non restituerit ecclesiae iterum, quae ecclesiae sunt, vel non reddiderit ad incidendam chartam venditionis vel emphyteuseos, sit anathema usquedum fecerit quod ab hac sancta et universali synodo confirmatum est.

Si autem episcopus convictus fuerit construxisse monasterium de 40 redditibus ecclesiasticis, tradat ipsum eidem ecclesiae monasterium, si vero de propriis rebus, aut de aliis quibusdam conventionibus, habeat id se-

¹ Rm 13,7.

show the same honours as they do to generals, but according to what is in keeping with their own spiritual dignity and honour, they should render to everyone his due: *Tribute to whom tribute is due; honour to whom honour is due*'. They must show that the confessors of the emperors, who are friends of Christ, and those who have the same dignity, deserve great respect from the leading persons of those emperors. Thus the bishop will have the courage to reprimand generals and other leading officials and all other secular authorities as often as he finds them doing something unjust or unreasonable, and in this way to correct them and make them better.

But if some bishop, after the holy directive of this council, shall ignore the honour duly and canonically bestowed on him, and permits something to happen according to the old, debased and disordered custom which is contrary to what has now been declared, he must be suspended for a year and the official involved is to be considered unworthy to take part in the mysteries or the means of grace for two years.

15

Precious objects must not be sold and endowments of churches must not be leased by emphyteusis

This holy and universal synod, in renewing the canons of the apostles and fathers, has decreed that no bishop may sell or in any way dispose of precious objects or consecrated vessels except for the reason laid down long ago by the ancient canons, that is to say, objects received for the redemption of captives. They must not hand over endowments of churches by emphyteutic leases nor put on sale other agricultural properties, thereby damaging ecclesiastical revenues. We decree that such revenues are for church purposes, the feeding of the poor and the assistance of pilgrims. However, bishops have full powers to improve and enlarge, as opportunity offers, the ecclesiastical properties which produce these revenues. Moreover, they have the right to apportion or bestow their own property on whomsoever they wish and choose, in accordance with their own powers and rights of ownership.

Now that this decree has been made, whoever appears to have acted in a way contrary to this holy and universal synod, must be deposed on the grounds of violating divine law and precepts. Any sale which was made by the bishop, either in writing or otherwise, must be made entirely void, as well as any emphyteutic lease or any other act disposing of precious objects or endowments. Whoever buys or acquires any of the aforementioned precious objects or endowments and does not restore to the church what belongs to it and does not hand over for burning the bills of sale or leases, is anathema until he does what has been determined by this holy and universal synod.

If a bishop is found guilty of having built a monastery with the revenues of a church, he must hand over the monastery to the same church. But if he built it

† Rm 13, 7.

eundum propriam potestatem et voluntatem omni vita sua; et post finem vitae dimittat et conferat hoc quibuscumque voluerit, non tamen saeculare diversorium fiat.

XVI

De non nimis penitus adinventionibus ad exbenorantiam sancti sacerdotii.

s *Imperator vero vel princeps, si talia fecerit, redarguatur, et separetur: si autem non poen fuerit, etiam anathematizetur*

Magnis ululatibus et multis lacrimis dignum opus a multis fidelibus ad nostros pervenit auditus: aiunt enim fuisse quosdam laicos, sub eo qui nuper imperavit, in ordine senatorio, qui secundum diversam imperatoriam dignitatem videbantur capillorum comam circumplexam involvere atque reponere, et gradum quasi sacerdotalem per quaedam indusia et vestimenta sacerdotalia sumere, et, ut putabatur, episcopos constituere, superhumeralibus, id est palliis, circumamictos, et omnem aliam pontificalem indutos stolam; qui etiam proprium patriarcham adseribentes eum is qui in adinventionibus risum moventibus praelatus et princeps erat, et insultabant, et illudebant quibusque divinis, modo quidem electiones, promotiones et consecrationes, modo autem acute calumnias, damnationes et depositiones episcoporum, quasi ab invicem et per invicem miserabiliter et praevaricatorie agentes et patientes.

20 Talis autem actio nec apud gentes a saeculo unquam audita est, ita ut peiores et miserabiliores infidelibus nationibus exhibeat et demonstret hos quos nunc manifestos effecimus: qua de re sancta et universalis synodus definivit et promulgavit, illos quidem malitiae nixus omnino ut scelestos abominari, neminem autem fidelium qui christiana censentur es appellatione deinceps conari tale quid faciendi vel admittendi, aut silentio tegendi quemquam eorum qui huiusmodi operantur impietatem. Si vero quispiam imperator, vel potentum, aut magnatum, taliter illudere divinis, et talem ac tantam iniuriam impie in divinum sacerdotium facere vel admittere tentaverit, primo quidem arguatur a patriarcha illius temporis, 30 et episcopis qui cum ipso fuerint, et segregetur, et indignus divinis mysteriis iudicetur; deinde vero accipiat quosdam alios in duram observantiam labores, et poenas quae visae fuerint: et nisi celeriter se poeniteat, etiam anathema sit ab hac sancta et universali synodo, tamquam qui sinceræ et immaculatae fidei mysterium dehonestaverit.

35 Si vero, presumptibus quibusdam huiusmodi nefas operari, patriarcha Constantinopolitanus, et sufraganei eius episcopi, quod factum fuerit cognoscentes, neglexerint debitum adversus eos ostendere zelum, depellantur, et a proprio sacerdotio ac honore pellantur: qui autem quoquo modo huiusmodi ministraverunt vel ministraturi sunt impiissimae actioni, 40 et minime confessi acceperint conveniens epitimium, definivimus per triennium sequestratos esse, anno quidem uno extra ecclesiam flentes, alio vero anno intra ecclesiam stare usque ad catechumenos; porro tertio, consistere cum fidelibus, et ita dignos fieri mysteriorum sanctificationibus.

from his own money or other sources, he may have it for his whole life under his own jurisdiction and direction; he may also bequeath it after his death to whomsoever he wishes, but it may not be used as a secular dwelling.

16

Spectacles which aim at insulting the holy priesthood must not be permitted. If the emperor or a ruler arranges such a thing, he must be judged and excommunicated; if he does not repent, he must be declared anathema

A matter which merits great sorrow, even many tears, has come to our ears from many of the faithful. They say that under the previous emperor some laymen of the senatorial order were seen to plait their hair and arrange it on their heads, and to adopt a kind of priestly dignity in accordance with their different ranks at the emperor's court. They did this by wearing various ornaments and articles of clothing which are proper to priests and, as it was thought, made themselves out to be bishops by wearing a pallium over their shoulders and every other piece of episcopal dress. They also adopted as their patriarch the one who took the leading role in these buffooneries. They insulted and made a mockery of a variety of holy things, such as elections, promotions and consecrations of bishops, or by bringing up subtle but false accusations against bishops, and condemning and deposing them, switching in turn from distress to collusion as prosecutors and defendants.

Such a way of behaving has never been heard of since time began, even among the pagans. It shows that those we have now brought to light are in a worse and more wretched state than the pagan nations. The sacred and universal synod, therefore, has declared and promulgated that these attempts to do evil must be condemned as crimes, and no member of the faithful who bears the name of Christian should henceforth attempt to do or tolerate such a thing, or to protect by silence anyone who has committed such an impious act. If any emperor or any powerful or influential person should attempt to mock holy things in such a way, or with evil intent to carry' out or permit such a great wrong to be done against the divine priesthood, he must first be condemned by the patriarch of the time, acting with his fellow bishops, and be excommunicated and declared unworthy to share in the divine mysteries, and then he must accept certain other corrective practices and penances which are judged appropriate. Unless he repents quickly, he must be declared anathema by this holy and universal synod as one who has dishonoured the mystery of the pure and spotless faith.

However, if the patriarch of Constantinople and his suffragan bishops come to know of any others who have committed crimes of this kind and neglect to act against them with the necessary zeal, they must be deposed and debarred from the dignity of their priesthood. Those who in any way have shown, or shall show in future, such impious conduct and have not confessed it in any way and received the appropriate penance, are declared excommunicate by this synod for three years; during the first year they must remain outside the church as public penitents, during the second year they may stand inside the church among the ranks of the catechumens, during the third year they may join the faithful and thus become worthy of the sanctifying effects of the holy mysteries.

XVII

De polettate patriarcharum, et metrope)'itamarum ad «ai adtenlu

Sancta et universalis Nicaena prima synodus antiquam consuetudinem iubet servari per Aegyptum, et provincias quae sub ipsa sunt, ita ut horum omnium Alexandrinus episcopus habeat potestatem, dicens: „Quia et in Romanorum civitate huiusmodi mos praevaluit.**1 Qua pro causa et 5 haec magna et sancta synodus tam in seniori et nova Roma, quam in sede Antiochiae ac Hierosolymorum, priscam consuetudinem decernit in omnibus conservari, ita ut earum praesules universorum metropolita- norum, qui ab ipsis promoventur, et sive per manus impositionem, sive per pallii dationem, episcopalis dignitatis firmitatem accipiunt, 10 habeant potestatem; videlicet ad convocandum eos, urgente necessitate, ad synodalem conventum, vel etiam ad coercendum illos et corrigendum, cum fama eos super quibusdam delictis forsitan accusaverit.

Sed quoniam sunt quidam metropolitanorum, qui ne secundum voca- tionem apostolici praesulis occurrant a mundi principibus se detineri sine is ratione causantur, placuit talem excusationem omnimodis esse invalidam. Cum enim princeps pro suis causis conventus frequenter agat, impium est ut summos praesules ad synodos pro ecclesiasticis negotiis celebran- dum impediant, vel quosdam a conciliis eorum prohibeant, licet tale impedimentum et fictam prohibitionem metropolitanorum suggestionem 20 diversis modis fieri didicerimus.

Consueverunt autem metropolitan! bis in anno synodos facere, ideoque, sicut dicunt, ad patriarchale penitus non posse concurrere caput. Sed sancta haec et universalis synodus, nec concilia quae a metropolitanis fiunt interdicens, multo magis illa novit rationabiliora esse ac utiliora 25 metropolitanorum conciliis quae a patriarchal! sede congregantur, et idcirco haec fieri exigit: a metropolita quippe unius quidem provinciae dispositio efficitur, a patriarcha vero saepe totius causa dioeceseos dispen- satur ac per hoc communis utilitas providetur, propter quod et speciale lucrum propter generale bonum postponi convenit, cum a maioribus 30 super haec facta fuerit advocatio. Quamvis apud quosdam metropolita- norum antiqua consuetudo et canonica traditio per contemptum ipsorum postposita videantur, non currentibus eis ad communem profectum, quos leges ecclesiae severe condemnantes, omni excusatione remota, subiacere vocationibus proprii patriarchae, 35 sive cum communiter, sive cum jg sigillatim factae fuerint, exigunt.

Illud autem tamquam perosum τηλθεν ει τὰ ημών ἀκοὰ τὸ μή quiddam ab auribus nostris repuli- δύνασθαι ἀνευ ἀρχοντικῆ παραβ- mus, quod a quibusdam imperitis αία σύνοδον γενέσθαιΓ οὐδαμοῦ δέ «0 dicitur, non posse synodum absque οἱ θεῖο», κανόνε συνέρχεσθαι κοσμ».- principali praesentia celebrari; cum κού ἀρχοντα εν ταῖ συνόδοι nusquam sacri canones convenire νομοθετοῦσιν, ἀλλὰ μόνου τοῦ έ-

1 Conc. Nie. I c. 6 (v. supra pp. 8-9)

On the authority of patriarchs and the official visits of metropolitans to (hem

The first, holy and universal synod of Nicaea orders that the ancient custom should be preserved throughout Egypt and the provinces subject to her, so that the bishop of Alexandria has them all under his authority; it declares, “Because such a custom has prevailed in the city of Rome”.¹ Therefore this great and holy synod decrees that in old and new Rome and the sees of Antioch and Jerusalem, the ancient custom must be preserved in all things, so that their prelates should have authority over all the metropolitans whom they promote or confirm in the episcopal dignity, either through the imposition of hands or the bestowal of the pallium; that is to say, the authority to summon them, in case of necessity, to a meeting in synod or even to reprimand and correct them, when a report about some wrongdoing leads to an accusation.

But since some metropolitans give as an excuse for not responding to the summons of their apostolic prelate that they are detained by their temporal rulers, it has been decided that such an excuse will be utterly invalid. For since a ruler frequently holds meetings for his own purposes, it is intolerable that he should prevent leading prelates from going to synods for ecclesiastical business or hold some back from their meetings. We have learnt, however, that such an obstacle and alleged refusal of permission can come about in various ways at the suggestion of the metropolitan.

Metropolitans have had the custom of holding synods twice a year and therefore, they say, they cannot possibly come to the chief one, that of the patriarch. But this holy and universal synod, without forbidding the meetings held by the metropolitans, is conscious that the synods summoned by the patriarchal see are more necessary and profitable than the metropolitan ones, and so demands that they take place. A metropolitan synod affects the good order of only one province; a patriarchal synod often affects the good order of a whole civil diocese, and in this way the common good is provided for. So it is fitting that the common good take priority over a particular one, especially when the summons to meet has been issued by those of greater authority. The fact is that certain metropolitans seem to regard with contempt the ancient custom and canonical tradition, by their not meeting together for the common good. Therefore the laws of the church demand, with severe penalties and leaving no loop-hole, that they comply with the summons of their patriarchs whether they are summoned as a body or individually.

We refuse to listen to the offensive claim made by some ignorant people that a synod cannot be held in the absence of the civil authorities. The reason for this is that the sacred canons have never prescribed the presence of secular rulers at

¹ Council of Nicaea I, canon 6 (see above pp. 8-9).

saeculares principes in conciliis πισκόπου ' δΟεν ούδέ, πλήν τών
 sanxerint, sed solos antistites. Unde οικουμενικών συνόδων, τήν παρου-
 nec interfuisse illos synodis, excep- σίαν αὐτῶν γεγεννημένην εὕρισκο-
 tis conciliis universalibus, inveni- μεν οὐδέ γάρ Οέμιτόν έστι γίνεσθαι
 mus: neque enim fas est saeculares θεατά τοῦ κοσμικοῦ άρχοντα τών
 principes spectatores fieri rerum τοῖ ιερεῦσι τοῦ Θεοῦ συμβαινόντων
 quae sacerdotibus Dei nonnunquam πραγμάτων.
 eveniunt.

Quisquis ergo metropolitanorum proprium patriarcham contempserit,
 et vitioni eius, quae sive ad unum solum, sive ad plures, sive ad omnes
 sit, absque validissima aegrotatione vel paganorum incursu, non obedierit,
 et per totos duos menses post notitiam vocationis, ad proprium venire
 patriarcham minime festinaverit, vel si quocumque modo latitare, aut non
 cognoscere nuntium ab illo missum tentaverit, segregetur: si vero intra
 unum annum eamdem contumaciam et inobedientiam demonstraverit,
 deponatur omnibus modis, et ab omni sacerdotali operatione decidat,
 atque a dignitate et honore, qui metropolitanis convenit, propellatur.
 Is autem, qui huic definitioni non obedierit etiam, et a. s.

XVIII

Quod non oporteat ecclesiarum res ac privilegia violare seu decidere

Placuit huic sanctae et magnae synodo ut res vel privilegia, quae Dei
 ecclesiis ex longa consuetudine pertinent, et sive a divae recordationis
 imperatoribus, sive ab aliis Dei cultoribus in scriptis vel sine scriptis
 donata, et ab eis per annos triginta possessa sunt, nequaquam a potestate
 praesulis earum quaecumque persona saecularis per potestatem subtrahat,
 aut per argumenta quaelibet auferat, sed sint omnia in potestate ac usu
 praesulis ecclesiae, quaecumque intra triginta spatium annorum ab eccle-
 siis possessa fuisse noscuntur. Quisquis ergo saecularium contra praesen-
 tem definitionem egerit, tamquam sacrilegus iudicetur, et donec se cor-
 rexerit, et ecclesiae propria privilegia, seu res restituerit et reservaverit,
 a. s.

XIX

*Quod non oporteat archiepiscopos aut metropolitans sub obtentu quasi visitationis
 proficisci ad alias ecclesias, et subiectos sibi episcopos per avaritiam damnis afficere vel gravare*

Avaritiam utpote secundam idolatriam Paulus magnus execratur aposto-
 lus¹, cunctos videlicet qui Christiano vocabulo censentur ab omni turpi
 lucro abstinere volens; multo magis ergo iis qui sacerdotio et fungantur
 nefas est coepiscopos et suffraganeos suos per quemcumque modum
 gravare.

Huius rei gratia definivit sancta haec et universalis synodus, nullum
 archiepiscoporum, aut metropolitanorum, relinquere propriam ecclesiam,

¹ Cf. 1 Cor 5,10.

synods but only the presence of bishops. Hence we find that they have not been present at synods but only at universal councils. Furthermore, it is not right that secular rulers should be observers of matters that sometimes come before the priests of God.

Therefore, if any metropolitan ignores his patriarch and disobeys his summons, whether addressed to him alone or to several or to all, unless prevented by a genuine illness or a pagan invasion, and for two whole months after notice of the summons makes no attempt to visit his patriarch, or if he hides in some way or pretends he has no knowledge of the patriarch's summons, he must be excommunicated. If he shows the same stubbornness and disobedience for a year, he must be unconditionally deposed and suspended from all sacerdotal functions and excluded from the dignity and honour that belong to metropolitans. If any metropolitan disobeys even this directive, let him be anathema.

18

The goods and privileges of the church should not be violated or suppressed

This holy and great synod has decided that the goods or privileges which belong to the churches of God as a result of long enduring custom and have been granted, whether in writing or not, by emperors of revered memory or by other religious people and possessed by the churches for thirty years, must in no way be removed by force on the part of any secular person, or taken away by him on any pretext whatsoever, from the jurisdiction of the prelate who has them. Whatever is known to have been possessed by the churches for thirty years must remain subject to the control and use of the prelate of the church. Any secular person who acts in a way contrary to this present decree shall be adjudged as one who commits sacrilege and, until he reforms himself and restores or gives back the privileges and goods belonging to the church, let him be anathema.

19

Archbishops or metropolitans should not go to other churches on the pretext of an official visit and by their greed be a burden to the bishops and involve them in expense

Paul, the great apostle, condemns greed as another form of idolatry¹ and wants all who unite under the name of Christian to abstain from every form of shameful love of gain. It is all the more wrong, therefore, for those who have the ministry of the priesthood to burden their fellow-bishops and suffragans in any way whatsoever.

For this reason this holy and universal synod has decreed that no archbishop or metropolitan should leave his own church and visit other churches under the

¹ See 1 Cor 5, 10.

et sub occasione quasi visitationis ad alias accedere, et potestate propria in inferiores abuti, et consumere redditus qui apud illos inveniuntur ad ecclesiasticam dispositionem et alimenta pauperum, ac per hoc aggravare avaritiae modo conscientias fratrum et comministrorum nostrorum; excepta hospitalitate, quae aliquando ex necessario transitu fortassis 5 accesserit; sed et tunc non alia, nisi ex iis quae ad praesens de compendio praeparata inveniuntur, cum reverentia et cum timore Dei dignanter accipiat; et maturius propositum iter perambulet, nihil omnino eorum quae sunt ecclesiae illius vel suffraganei episcopi petens et exigens; si enim unumquemque episcoporum ecclesiae propriae rebus cum multa 10 parcite uti, et nullatenus in proprias utilitates importune ac sine ratione dispendere vel consumere redditus ecclesiasticos sacri canones decernunt, qua, putas, impietate iudicabitur dignus, qui aliis episcopis commissas ecclesias gravare vel ambire, et per hoc sacrilegii crimen incidere non formidat? is

Quisquis ergo post hanc definitionem nostram tale quid facere tentaverit, poenam subeat a patriarcha qui per tempus fuerit, secundum congruentiam iniustitiae ac avaritiae suae, et deponatur et sequestretur ut sacrilegus, et aliter ut idolâtra factus, iuxta magnum Apostolum.

XX

*Quod non oporteat quemquam episcoporum apud se tel per si collate loca recipere
sine illius iudicio qui urbi aut regioni illi praeesse dignoscitur*

20

Et hoc sancta nunc synodus didicit, quod in quibusdam locis quidam propria usi auctoritate, ac sine voluntate illorum quibus huiusmodi dispositiones commissae sunt, audacter et tyrannice pellunt eos qui per emphyteusim perceperint aliquid ex iis locis quae possederunt, occasione 25 quasi ruptae fidei circa pensionis pactum.

Non autem licet omnimodis hoc fieri, nisi prius accipiat protestationem per quosdam idoneos et fideles homines is qui emphyteusim contraxit: quod nisi dederit usque ad tres annos destinatum tributum census, propellatur a locis a se detentis. Oportet enim post trium annorum census 30 retentionem accedere ad praepositos urbis vel regionis illius, et arguere in conspectu eorum eum qui emphyteusim consecutus est, et exhibere contemptum eius, et tunc sententia et iudicio praetorum recipiat ecclesia propria in possessionem. Sed nequaquam quisquam apud se vel per se faciat praedictorum ablationem locorum; suspectivum quippe tale, quin 35 et multi turpis lucri et avaritiae consistit indicium.

Si quis ergo episcopus aut metropolita praeter hanc definitionem nostram abstulerit aliquem locum a quoquam, putans quod ecclesiam propriam defendat, sequestretur a proprio patriarcha per aliquod tempus, dans primo quod per potestatem suam abstulit vel subripuit. Si vero contentiosus quis perstiterit, non obediens his quae sanctae ac universali 40 synodo visa sunt, deponatur omnimodis.

pretext of an official visitation, nor abuse his authority over other churches and consume the revenues which they have at their disposal and for feeding the poor, and thus, by a form of greed, be a burden to the consciences of our brothers and fellow ministers. An exception is made in the case of hospitality, which may sometimes arise on account of necessary travel. But even then he must accept, with reverence and fear of God, nothing else than what is found prepared from that which is currently at hand. He should quickly continue the journey he has undertaken without asking or demanding any at all of the things which belong to that church or the suffragan bishop. For if the sacred canons decree that every bishop should be sparing in his use of what belongs to his own church, and should no way spend or consume the ecclesiastical revenues in an unfitting or unreasonable way for his own advantage, what kind of impiety do you think he will be found guilty of if he has no scruples about going around and burdening the churches entrusted to other bishops and thereby incurring the charge of sacrilege?

Whoever attempts to do such a thing, after this directive of ours, shall incur from the patriarch of the time the punishment commensurate with his unjust and greedy behaviour, and shall be deposed and excommunicated as the sacrilegious person he is or, to put it otherwise, as an idolater, according to the teaching of the great Apostle.

20

No bishop should repossess, on his own initiative and authority, lands that have been conferred on someone, without reference to the person who is the recognized authority in the city or region

It has come to the ears of this holy synod that in certain places some, on their own authority and without the agreement of those who are entrusted with such decisions, callously and mercilessly expel people who have received some of their lands by emphyteusis, on the pretext that the contract about the agreed rent has been broken.

This must not be allowed to happen unless the person who made the emphyteutic contract first listens to the objections through the mediation of some suitable and trustworthy persons. Then, if the leaseholder has not paid for three years the rent due, he may be expelled from his lands. But it is necessary, after the rent has been unpaid for three years, to go to the authorities of the city or region and bring before them a charge against the person who obtained the emphyteutic lease, and to show how he has defaulted. Only then, after the decision and judgment of the officials, may the church take back its property. Nobody may effect the confiscation of the aforesaid lands on his own initiative and authority, since this would be a sign of the worst form of profiteering and greed.

So, if any bishop or metropolitan, contrary to this directive of ours, confiscates any property from anyone, thinking he is protecting his own church, let him be suspended by his patriarch for a time, having first restored what he took away. If he persists in his disobedience to the decision of this holy universal synod, he must be completely removed from office.

XXI

Qxoà non cporUat pap&n Romanun, pel quernpiam aliorim patriarcharum, a quolibet inhonorari

Dominicum sermonem, quem Christus sanctis apostolis et discipulis suis dixit, quia : *Qui ros recipit, me recipit¹, et qui ros spernit, me spernit²*, ad omnes etiam qui post eos secundum ipsos facti sunt summi pontifices et pastores principes in ecclesia catholica dictum esse credentes, definimus, neminem prorsus mundi potentium, quemquam eorum qui patriarchalibus sedibus praesunt inhonorare, aut movere a proprio throno tentare, sed omni reverentia et honore dignos iudicare: praecipue quidem sanctissimum papam senioris Romae, deinceps autem Constantinopoleos patriarcham, deinde vero Alexandriae, ac Antiochiae, atque Hierosolymorum. Sed nec alium quemcumque conscriptiones contra sanctissimum papam senioris Romae, ac verba complicare et componere, sub occasione quasi diffamatorum quorundam criminum, quod et nuper Photius

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is fecit, et multo ante Dioscorus.

Quisquis autem tanta iactantia et audacia usus fuerit, ut secundum Photium vel Dioscorum, in scriptis vel sine scriptis iniurias quasdam contra sedem Petri apostolorum principis moveat, aequalem et eandem quam illi condemnationem recipiat.

Et τι τοσαύτη τόλμη χρήσαιτο, ὥστε κατὰ τον Φώτιον και Διόσκορον έγγράφω ή άγράφω παροινία τινά κατὰ τη καθέδρα Πέτρου τοῦ κορυφαίου τῶν ἀποστόλων κινεῖν, την αὐτήν ἐκείνοι δεχέσθω κατάκρισιν' εἰ δέ, συγκροτηθείση συνόδου οικουμενική , γένηται τι και περί τη εκκλησία τῶν Ῥωμαίων ἀμφιβολία, εξεστὶν εὐλαβῶ και μετὰ τη προσηκούση αἰδοῦ διαπυνθάνεσθαι περί του προκειμένου ζητήματο και δέχεσθαι την λύσιν και ή ὠφελεῖσθαι ή ὠφελεῖν μή μέντοι θρασέω ἀποφέρεσθαι κατὰ τῶν τη πρεσβυτέρα Ῥώμη ιεραρχών.

Si vero quis aliqua saeculi potestate fruens vel potens pellere tentaverit praefatum apostolicae cathedrae papam, aut aliorum patriarcharum quemquam, anathema sit. Porro si synodus universalis fuerit congregata, et facta fuerit etiam de sancta Romanorum ecclesia quaevis ambiguitas et controversia, oportet venerabiliter et cum convenienti reverentia de proposita quaestione sciscitari, et solutionem accipere, aut proficere, aut profectum facere, non tamen audacter sententiam dicere contra summos senioris Romae pontifices.

XXII

De summorum sacerdotum electione atque decreto

Promotiones atque consecrationes episcoporum, concordans prioribus conciliis, electione ac decreto episcoporum collegii fieri sancta haec et «0 universalis synodus definit et statuit; atque iure promulgat, neminem

1 Mt 10,40. * 1x10,16.

21

The pope of Rome or any other patriarch must not be treated with disrespect by anyone

We believe that the saying of the Lord that Christ addressed to his holy apostles and disciples, *Whoever receives you receives me*¹, and *whoever despises you despises me*², was also addressed to all who were likewise made supreme pontiffs and chief pastors in succession to them in the catholic church. Therefore we declare that no secular powers should treat with disrespect any of those who hold the office of patriarch or seek to move them from their high positions, but rather they should esteem them as worthy of all honour and reverence. This applies in the first place to the most holy pope of old Rome, secondly to the patriarch of Constantinople, and then to the patriarchs of Alexandria, Antioch and Jerusalem. Furthermore, nobody else should compose or edit writings or tracts against the most holy pope of old Rome, on the pretext of making incriminating charges, as Photius did recently and Dioscorus a long time ago. Whoever shows such great arrogance and audacity, after the manner of Photius and Dioscorus, and makes false accusations in writing or speech against the see of Peter, the chief of the apostles, let him receive a punishment equal to theirs.

If, then, any ruler or secular authority tries to expel the aforesaid pope of the apostolic see, or any of the other patriarchs, let him be anathema. Furthermore, if a universal synod is held and any question or controversy arises about the holy church of Rome, it should make inquiries with proper reverence and respect about the question raised and should find a profitable solution; it must on no account pronounce sentence rashly against the supreme pontiffs of old Rome.

22

On the election and appointment of bishops

This holy and universal synod declares and decrees, in agreement with earlier councils, that the promotion and consecration of bishops should be done by means of an election and decision of the college of bishops. So it promulgates as

¹ Mt 10, 40. ² Lk 10, 16.

laicorum principum vel potentum semet inserere electioni vel promotioni patriarchae, vel metropolitae, aut cuiuslibet episcopi, ne videlicet inordinata hinc et incongrua fiat confusio vel contentio, praesertim cum nullam in talibus potestatem quemquam potestativorum vel ceterorum laicorum habere conveniat, sed potius silere ac attendere sibi, usquequo 5 regulariter a collegio ecclesiae suscipiat finem electio futuri pontificis: si vero quis laicorum ad concertandum et cooperandum ab ecclesia invitatur, licet huiusmodi cum reverentia, si forte voluerit, obtemperare se asciscentibus; taliter enim sibi dignum pastorem regulariter ad ecclesiae suae salutem promoveat. io

Quisquis autem saecularium principum et potentum, vel alterius dignitatis laicus, adversus communem ac consonantem atque canonicam electionem ecclesiastici ordinis agere tentaverit, anathema sit, donec obediat et consentiat in hoc quod ecclesia de electione ac ordinatione proprii praesulis se velle monstraverit. is

XXIII

Quod non oporteat quemquam episcoporum alienarum locare possessiones ecclesiarum, sed nec clericum quemlibet in aliena ecclesia sacra celebrare mysteria

Venit et hoc nunc ad aures nostras, quod quidam episcoporum a quibusdam rogati, possessiones, quae ad alias ecclesias pertinent, irrationabiliter conferant; et per hoc, quantum possunt, ad propriam voluntatem in aliorum potestatem episcoporum usurpent. Hoc autem et prophetica illis manifeste maledictionem acquireret, quae dixit: *Vae qui coniungitis domum ad domum, et agrum ad agrum*¹, ut proximo auferatis aliquid; et criminis eos sacrilegii reos constituit. Huius rei gratia placuit magnae huic et universali synodo, quod nullus fratrum et coepiscoporum nostrorum, vel quisquam, talem sibi facere nequissimam locationem roget, vel ab aliquo ipse rogatus quamlibet alienarum et extranearum conferat ecclesiarum possessionem, nec etiam constituat presbyteros aut quemlibet alium clericum in ecclesiis quae sibi subiectae non sunt, praeter voluntatem episcopi cui ecclesia illa commissae est. Sed neque quisquam presbyterorum vel diaconorum, qui sacris officiis dediti sunt, ultro ac per se ecclesias ingrediens, sacrum aliquid operetur, in quibus ab initio sortem minime consecutus est; illicitum enim est hoc et omnimodis a canonicis praeceptionibus alienum. 20 25 30

Quisquis ergo post hanc definitionem nostram visus fuerit faciens aliquid horum quae nunc interdicta sunt, separetur aliquo indicto tempore, discisso videlicet et dirupto modis omnibus locatorio pacto, quod sive scripto, sive sine scripto praeter canonem factum est. Similiter et presbyter ille vel diaconus segregatus sit, donec ab aliena recedat ecclesia. Quod si et segregationem contempserit, omnimodis deponatur, et ab omni honore sacro deficiatur. 35 40

¹ Is 5, 8.

law that no lay authority or ruler may intervene in the election or promotion of a patriarch, a metropolitan or any bishop, lest there be any irregularity leading to improper confusion or quarrelling, especially since it is wrong for any ruler or other lay person to have any influence in such matters. Rather he should be silent and mind his own business until the election of the future bishop has been completed with due process by the ecclesiastical assembly. But if any lay person is invited by the church to join in the discussion and to help with the election, he is permitted to accept the invitation with respect, if he so wishes. For in this way he may be able to promote a worthy pastor in a regular manner, to the benefit of his church.

If any secular authority or ruler, or a lay person of any other status, attempts to act against the common, agreed and canonical method of election in the church, let him be anathema; this is to last until he obeys and agrees to what the church shows it wants concerning the election and appointment of its leader.

23

No bishop may dispose of the property of other churches, and no cleric may celebrate the sacred mysteries in a church other than his own

We have also learnt that some bishops, at the request of certain people, have unreasonably made a gift of properties belonging to other churches. Thus they usurp the authority of other bishops, so far as they can. This conduct will clearly bring on them the curse of the prophet who says, *Woe to those who add house to house and field to field*¹ in order to defraud their neighbour, and it has made them guilty of sacrilege. For this reason, this great and universal synod has decided that no brother of ours in the episcopate or anyone else may transact such a wicked property deal, nor, if asked by someone, dispose of any property belonging to other churches, nor install priests or any other clerics in churches that are not under his jurisdiction, without the permission of the bishop responsible for the church in question. Furthermore, no priests or deacons, who are consecrated for holy functions, should perform, of their own accord and decision, any sacred functions in churches to which they have not been appointed from the beginning. This behaviour is unlawful and utterly alien to the canonical regulations.

Whoever, after this declaration of ours, shall be seen to do any of these things which have now been forbidden, must be excommunicated for a period of time, and the contractual arrangements, whether written or not, must be completely dissolved and abrogated because they were made in contravention of the canons. Likewise, the priest or deacon is to be suspended until he withdraws from the church to which he does not belong. But if he ignores the suspension, he must be got rid of completely and dispossessed of every sacred office.

¹ Is 5, 8.

XXIV

*frieod m w oporteat metropoJitas suffragantis suis episcopis ecclesiastica
suae metropoleos committere ministeria*

Divina scriptura dicente: *Maledictus* omnis homo *qui facit opus Domini ne¹ligenter¹* metropolitanorum in extremam negligentiam et desidiam delapsi, praeceptionibus suis subiectos ad se adducunt episcopos, et committunt eis ecclesiae propriae divina officia, et litanias, et cuncta omnino sacra quae ad se pertinent ministeria; ita ut per illos celebrent omnia quae per semet alacriter agere debuerint, ac per id eos, qui episcopalem dignitatem meruerunt, quodammodo clericos sibi subiectos exhibeant.

Vacant autem iidem praeter ecclesiasticas leges saecularibus curis atque dispositionibus, dimittentes perseverare in orationibus et obsecrationibus pro suis delictis ac populi ignorantibus*; quod nusquam apud aliquos penitus invenitur, cum sit canonicis nimirum contrarium omnino praeceptis: et, quod saevius est, quia suis stipendiis per distinctas mensium vices praecipi dicuntur praedicta perficere ministeria; quod ab apostolico munimine modis omnibus ostenditur alienum. Haec autem omnia magnis et multis ac vehementissimis damnationibus dignos huiusmodi statuunt; probantur enim tales per haec quae faciunt, etiam satanica iactantia et superbia languere.

Quisquis ergo metropolitanorum post hanc sanctae ac universalis synodi definitionem eadem audacia vel superbia et contemptu abusus, non per se cum timore et alacritate, seu conscientia bona, debita ministeria in propria civitate, sed per suffraganeos episcopos suos efficere tentaverit, poenas exsolvat coram proprio patriarcha et aut corrigatur aut deponatur.

XXV

Quod semper depositi teraar.tur qui consecrationem in quocumque gradu Methodii et Ignatii sanctissimorum patriarcharum habuerint, et Pbotio invasori etiam post sententiam quae synodicefacta est Constantinopoli, consenserunt

Et hoc debite sancta synodus definivit, quatenus episcopi, presbyteri, diaconi et subdiaconi magnae ecclesiae, qui consecrationem Methodii et Ignatii sanctissimorum patriarcharum habuerunt, et secundum insolens illud et durissimum cor Pharaonis obdurati sunt³, et usque nunc minime cum hac sancta et universali synodo convenerunt, sed nec nobis consonare in verbo veritatis voluerunt, quinimo invasori Photio concorditer consenserunt, depositi sint, et omnino sacerdotali operatione privati, quemadmodum nec multum ante beatissimus papa Nicolaus iudicavit; et nequaquam tales in sacerdotii catalogo recipiantur, etiamsi ex hoc converti voluerint; nisi in perceptione sanctificationum, qua dignos nullatenus eos, nisi per multam misericordiam, iudicamus; non enim sunt digni ad priorem honorem restitutionis locum per penitentiam invenire, secundum exosum illum Esau, licet cum lacrymis expetisset eam⁴.

¹ Ir 48, 10. * Cf. Heb 7, 27. ³ Ü. Ei7, 13. ⁴ Cf. Heb 12, 16-17; Gn 33, 4.

24

Metropolitans should not entrust to their suffragan bishops the ecclesiastical ministries of the metropolitan church

Divine scripture says, *Cursed* is everyone *who does the work of the Lord with slackness*¹. Yet some metropolitans have fallen into the depths of negligence and sloth. They summon the bishops subject to their jurisdiction and commit to them the divine offices of their own church as well as litanies and all the sacred ministries which are personal to themselves. The consequence is that they celebrate through the agency of these bishops everything they should readily do themselves. In this way they make those who have merited the dignity of bishop seem like clerics in their sendee.

These metropolitans, contrary to church law, give themselves to secular business and administration, failing to persevere in prayers and petitions for their own sins and the ignorance of their people². Some excuse this behaviour even though it is utterly and completely contrary to canonical regulations. What is still more serious, it is said that the bishops are told to complete the above ministries at allotted times each month at their own expense. This is totally alien to all apostolic sanction. All this makes such people worthy of the most severe condemnation possible, for they are shown by their actions to be infected by a form of satanic pride and arrogance.

Any metropolitan who, after this directive of the holy and universal synod, is consumed by a similar pride, arrogance or contempt and does not carry out with fear, promptitude and a good conscience the necessary ministries in his own city, but seeks to carry them out through his suffragan bishops, must be punished by his patriarch and be either reformed or deposed.

25

Those who were consecrated in whatever order by Methodius and Ignatius, the most holy patriarchs, and supported the usurper Photius after the sentence of condemnation was pronounced in synod at Constantinople, must remain deposed for ever

The holy synod has duly decided that the bishops, priests, deacons and subdeacons of the great church [of Constantinople], who received their consecration from Methodius and Ignatius, the most holy patriarchs, and became hard of heart like the arrogant and unfeeling heart of Pharaoh³, and even now are in complete disagreement with this holy and universal synod and, while rejecting harmony with us in the word of truth, have wholeheartedly supported the cause of the usurper Photius, must be deposed and suspended from all sacerdotal functions, just as the most blessed pope Nicholas decreed not long ago. On no account are such men to be readmitted into the ranks of the clergy, even if they wish in future to change their ways. An exception will be made in regard to receiving the means of holiness, and it is only our mercy which makes us think that they are worthy of this. They do not deserve to have the opportunity of being restored by their repentance to their former status, as is illustrated by the case of the odious Esau, though he begged in tears for that favour⁴.

¹ Jer 48, 10. ² See Heb 7, 27. ³ See Ex 7, 13.

⁴ See Heb 12, 16-17; Gn 33, 4.

XXVI

*Quod clericus depositus, tel iniuriam passus ab tpiscapo suo, potestatem babeat recurrere
ad maiores ecclesiae catholicae principes, id est, ad summos pontifices*

Placuit et hoc sanctae synodo, ut quicumque presbyter aut diaconus a proprio episcopo depositus fuerit, propter aliquod crimen, vel si quamlibet iniustitiam se pati dixerit, et non acquieverit iudicio proprii episcopi, s
dicens eum suspectum se habere, et vel propter inimicitiam quam erga se tenuerit, vel propter gratiam quam aliis quibusdam praestare voluerit, idcirco in se fuisse tale quid operatum, potestatem habeat ad métropolitain ipsius provinciae concurrere, et eam quam putat iniustam depositionem, vel aliam laesionem denuntiare: metropolita vero ille libenter 10
suscipiat huiusmodi, et advocet episcopum qui deposuit, vel alio modo clericum laesit, et apud se cum aliis etiam episcopis negotii faciat examen, ad confirmandum scilicet sine omni suspicione, vel destruendum per generalem synodum et multorum sententia clerici depositionem.

Similiter etiam episcopos concurrere ad patriarchale caput decernimus, qui a metropolitae suis talia se pertulisse fatentur, ut apud patriarcham et metropolitae qui sub ipso sunt, iustam et sine suspicione sententiam quod movetur negotium accipiat. Insuper etiam nullo modo quisquam metropolitanorum episcoporum a vicinis metropolitae episcopis provinciae suae iudicetur, licet quaedam incurrisse crimina perhibeatur, 20
sed a solo patriarcha proprio iudicetur: cuius sententiam rationabilem, et iudicium iustum, ac sine suspicione fore decernimus, eo quod apud eum honorabiliores quique colligantur, ac per hoc ratum et firmum penitus sit quod ab ipso fuerit iudicatum. Si quis autem non acquieverit iis quae a nobis edita sunt, excommunicatus existat. 25

XXVII

ΙΑ

*De eo quod non oporteat palliis praeter tempora
et loca definita vestiri, et de eo quod nequaquam
eos, qui ex ordine monachico fasti sunt, conveniat
schemate ac stola monachicae conversationis exuere*

Secundum traditas formas per singulas provincias, ac regiones, et urbes, in ecclesiasticis promotionibus et consecrationibus illa quae indicia et signa sunt ordinis qui unicuique inesse videtur, retineri decernimus, ita ut episcopi, quibus concessum est palliis uti certis temporibus, in eisdem temporibus et locis, iis induantur, et tanto et tali non abutantur amictu propter typhum, et inanem gloriam, et humanum placorem, atque sui amorem: omni videlicet Θεσπίζομεν τοῦ ὀρισθέντα ὡμοφορεῖν επισκόπου ἐπὶ τισι καιροὶ ἀποκεκληρωμένοι, ἐν τοῖ τοιοῦτοι περιβεβλήσθαι ταῦτα καιροὶ καὶ τόποι, καὶ μὴ κατακεχρήσθαι τῇ τοιαύτῃ καταστολῇ διὰ τύφον καὶ κενοδοξίαν, καὶ ἐν παντὶ καιρῷ τῇ θείᾳ μυσταγωγίᾳ, καὶ πάσῃ ἄλλῃ ἐκκλησιαστικῇ λειτουργίᾳ ταῦτα φορεῖν. 30
Ἀλλὰ καὶ τοῦ μετιόντα εὐλάβῳ τὸν μονήρῃ βίον καὶ τῇ ἐπισκοπικῇ ἀξιωθέντα τιμῇ, φυλάττειν 40

26

.4 cleric who has been deposed or suffered an injustice at the hands of his bishop, has the right to take his case to the highest authorities in the catholic church, namely the supreme pontiffs

This holy synod has also decided that any priest or deacon who has been deposed by his bishop for some crime, or who alleges he has suffered some kind of injustice and is not satisfied with the judgment of his bishop, saying that he does not trust him and that he has been wronged, either because of the enmity which the bishop has for him or because of favours the bishop wants to bestow on certain others, such a person has the right to have recourse to the metropolitan of his province and to denounce his deposition from office, which he thinks is unjust, or any other injury. The metropolitan should be willing to take up such cases and to summon the bishop who has deposed the cleric or injured him in any way. He should examine the case himself, with the help of other bishops, so as either to confirm the deposition of the cleric beyond all doubt, or to quash it by means of a general synod and the judgment of many persons.

In the same way we decree that bishops may have recourse to the patriarch, their head, if they complain that they have suffered similar things from their metropolitan, so that the business in question may receive a just and right decision from their patriarch and the metropolitans under him. No metropolitan bishop may be judged by his neighbouring metropolitan bishops, even though it is alleged that he has committed serious crimes, but he may only be judged by his own patriarch; we decree that this judgment will be just and beyond suspicion because a number of esteemed people will be gathered around the patriarch, and for this reason his judgment will be fully ratified and confirmed. If anyone does not agree with what we have promulgated, let him be excommunicated.

27

The pallium should not be worn outside the prescribed times and places, and it is entirely wrong that monks who have become [bishops] should put aside the outward style and dress of the monastic life

We decree that, in ecclesiastical promotions and consecrations, the marks which signify the rank to which each person belongs, should be kept, in accordance with the traditional usages of each province, region and city. Thus bishops who have been permitted to wear the pallium at certain times, may wear it at those times and places but should not abuse so great and honourable a garment, through pride, vainglory, human conceit and self-love, by -wearing it unneces-

tempore divini sacrificii, et omnis alius ecclesiastici mysterii, hunc inepte portantes.

5 Illos autem qui reverenter monasticam vitam sectati sunt, et episcopalem meruerunt honorem, conservare schema, et amictum monachicorum indumentorum, et ipsam beatam vitam decernimus: et nul-
 10 lus omnino habeat potestatem deponere iam dictum schema, propter tvphum et arrogantem voluntatem, ne per hoc inveniatur propriorum

transgressor pactorum: sicut enim ibi continuus palliorum amictus fastigiosum et suae gloriae deditum demonstrat episcopum, ita et hic depositio ac denudatio monachici habitus nihilo minus eisdem submittit criminibus eum qui hoc fecisse captus exstiterit.

Quisquis ergo episcopus praeter definita sibi scripto tempora se pallio induerit, aut monasticarum vestium schema deposuerit, aut corrigatur,
 eo aut a patriarcha proprio deponatur.

τὸ σχῆμα καὶ τὴν στολὴν τῶν μοναχικῶν ἀμφιασμάτων ὀρίζομεν καὶ μηδὲνα τολμᾶν ἀπαμφιέννυσθαι τὸ εἰρημένον σχῆμα διὰ τυφὸν καὶ ἀλαζονικὴν γνώμην, κάντεϋθεν εὐρίσκεσθαι παραβάτην τῶν ἑαυτοῦ συνθηκῶν· εἰ τι οὖν ἐπίσκοπο παρὰ τοῦ ὠρισμένου αὐτῷ ἐγγράφου ἢ ἀγράφου καιροῦ περιβόλοιο το ὠμόφορον ἢ τῶν μοναχικῶν ἀμφιασμάτων ἀποβάλλοι τὸ σχῆμα ἢ διορθοῦσθω ἢ καθαιρεῖσθω.

sarily throughout the divine sacrifice and every other ecclesiastical ceremony.

We decree that those who have devoutly embraced the monastic life and merited the dignity of a bishop, should keep the appearance and garments of the monastic habit and that holy way of life. None of them has the right to lay aside that type of dress out of pride and wilful arrogance, lest he is found thereby to violate his personal vows. Just as the continual wearing of the pallium shows the bishop as given to ostentation and vainglory, so the laying aside of the monastic habit exposes him to the same charges.

Therefore, any bishop who wears the pallium outside the occasions stipulated in writing, or lays aside the monastic dress, must either be corrected or be deposed by his patriarch.

Lateran I

1123

INTRODUCTION

In 1123, during the pontificate of Pope Callistus II, a general Roman council was held “for various important matters of the church”, as Callistus himself says in the letter of convocation which he sent on 25 June 1122 to bishop Baldric of Doil. A great number of bishops, abbots and religious, numbering at least 300, gathered in Rome from the western churches, although none that we know of came from the eastern churches². There is no evidence that legates of the emperor Henry V took part. The council began on 18 March 1123, with the pope presiding. There were at least two sessions. The council ended before 6 April, probably on 27 March.

This council is often called “general” in the letters and decrees of Pope Callistus II³. It is reasonable, however, to doubt its ecumenicity⁴. Indeed the manner in which the council was called and conducted by the pope and the fathers differed from that of the older councils. Moreover several other councils, similar to Lateran I, were convened in the 11th and 12th centuries but were not termed ecumenical. The ecumenicity of this council seems, as far as we can tell, to have been confirmed later by the tradition of the Roman church.

There had long been conflict between church and state, though some sort of a solution had been reached a short time before at the Concordat of Worms (September 1122). Thus, questions concerning the investiture of prelates and the freedom of the church were a major concern of the council. The said concordat was approved and confirmed by the council’s authority, though not without opposition on the part of many, as Gerhoh of Reichersberg testifies⁵; canons 3-4, 8 and 12 make mention of this debate. Thereby a measure of peace and discipline was restored to the church.

¹ See *Bifilatre du pape Calixte II* ..., ed. U. Robert, II Paris 1891, 49, no. 304 (Jaffé 6977).

^{*} There are no surviving acts of the council. On the number of fathers, see H-L 5/1, 631 n. 2; and also, Simeon of Durham, *Opera omnia* ..., II ed. T. Arnold (Rolls series 75), London 1885, 272; *Annali genovesi di Caffaro* ..., ed. L. Belgrano (Fonti per la storia d’Italia 11), I Rome-Genoa 1890, 19.

³ See *Bullaire* ..., II, nos. 304, 322, 358, 361, 389, 410, 486, 489 (Jaffé 6977, 6995, 7028, 7031, 7034, 7037a, 7056, 7075a, 7144, 7147).

⁴ It is difficult to justify Hauck’s and Tangl’s description of a “great” and “general” council.

⁵ See Gerhoh of Reichersberg, *Libellus de ordine donorum sancti Spiritus*, ed. E. Sackur, in MGH *Libelli*, III Hanover 1897, 280; see also H-L 5/1, 631.

The fathers devoted themselves principally to the reform of the church, to the abolition of simony and to the correction of ecclesiastical abuses. There were a few other matters of lesser importance⁶. Also, the struggle for the Corsican episcopacy between the churches of Genoa and Pisa was a considerable problem, and a commission of twenty-four fathers had to be created by the pope in order to resolve the matter; for this see canons 1,7, and also canons 2,5-6,9,11, 16. Thus pope Callistus, following as closely as he could the examples of Gregory VII and Urban II⁷, and supported by the approval of the council, brought to a successful conclusion matters which had engrossed the whole church's effort and zeal for almost fifty years.

A number of canons were ratified by the council fathers, perhaps at the session on 27 March. Many of these were included in Gratian's *Decrees* (c. 1140), namely canons 1,3-4, 6, 9, 12, 14, 16 β , 19-22E, and part of 8, 18 β . As far as we know, Baronius was the first to print others which Gratian did not accept (Br 12, 1607, 149-150; ed. Theiner 18, 1869, 343-344). Twelve more follow in the Roman edition (Rm 4,1612,16-17), where a complete text of the canons may be found. We have examined all the canons in the following: Bn7 3/2 (1618) 464-465; ER 27 (1644) 37-43; S. Baluze, in P. de Marea, *Dissertationum de concordia sacerdotii et imperil... libri*, II Paris 1663,363 (= BdM); LC 10 (1671) 896-900; Hrd 6/2 (1714) 1111-1114; Cl 12 (1730) 1333-1337; E. Martène and U. Durand, in *Veterum scriptorum et monumentorum ... collectio*, VII Paris 1733, 68-69, four canons only (= MD); Msi' 2 (1748) 355-358; Msi 21 (1776) 281-286; G.H. Pertz, in MGH, *Leges inf.*^o, II/2 Hanover 1837, 182-183 (= Pertz); PL 163 (1854) 1361-1365; L. Weiland, in MGH, *Const.*, I Hanover 1893, 574-576 (= MGH).

The text of the canons presents some difficulties. Bn7, ER, LC, Hrd, Cl and Msi must have printed the same text as that used by Rm (though with some differences). This commonly accepted version, which we call β , consists of 22 canons and seems to derive from two manuscript codices (not from Rm, since this has the different readings). In addition, seven canons (2,5,10-11,13,15,17) printed by Br seem to relate to β , even though they often do not agree with β in their readings. A second version of the canons, "from an ancient manuscript codex of the monastery of Aniane", which is now in the Bibliothèque Nationale in Paris, was published by BdM. The order of the canons in it, and often the readings, are different from β ; moreover six canons (11 and the last five, 18-22fi) are missing and two (15-16) are completely different from β . Regarding this other version, which we call α , MD published four canons (6,12,15-16) "from a manuscript of the marquis of Laubcs", and Pertz published sixteen canons (15 and 18-22 β are missing, in place of which are what appear to be two rubrics) from Vienna MS. Codex of Canon Law 91 (now 2178). Migne transcribed the text of Pertz. LC took several readings of α and included them in β as variant

⁶ See H-L 5/1 639-643; see also MGH *Libelli*, III 405; and the decrees cited above in note 3.

⁷ See also canon 10 on the recovery of the holy Land, and canons 14-15 on peace among Christians.

readings. Finally, the text printed by Msi* “from a Pistoia codex of canons”, as well as the order of canons in it, appear similar to a; although canons 15-16 are preserved according to the β text and 18-19 are added to β . If a is earlier than β , then the text of Msi* seems to date from an earlier time and to have been corrected occasionally from β ; therefore we conclude that this text belongs to a.

We believe the a version is older than β . For, the canons from a (except 11-12, 15-17) are mentioned in Simeon of Durham’s “*Historia Regum*”⁸ (= S), which is contemporaneous. This point has not been noticed by scholars. In addition, Gratian’s *Decrees* ascribe the last 5 canons to the earlier pontificate of Urban II (1088-99) and not to the time of Lateran I, as Br noted; therefore a seems right to omit these five canons. The document on which Br and possibly Rm depend is a Vatican codex “which contains the Collection of Anselm [of Lucca], in which the canons of this council are included as an appendix after chapter 55”. Maybe, therefore, our β should be attributed to this peculiar version in Anselm of Lucca’s text. Certainly all the known manuscript codices are related to a, so far as we are aware⁹, including the 12th century Vatican Reginensis lat. 987 (= R), which was the first to be examined by us. We think that little confidence can be placed in MGH, which is the only critical edition so far made. Its editor, Weiland, divided the sources into three groups: the “Parisian”, more correctly called the “Roman”; the Pistoian codex; and the codices used by BdM and Pertz. But he completely ignored the similarities between the three groups, and in the end collated only the two sources of the third group, omitting for no reason canon 17. We have collated together R and all the other editions, and have prepared our text with the *a* version as the basis. We think that R and BdM are the most reliable sources. We have relegated the alternative version of canons 15-16 to a footnote, and the last five canons to an appendix. We have not used the MGH text except in a few instances. There is a preface to the canons in R, S, BdM and Msi, but we do not reproduce it.

BIBLIOGRAPHY: H-L 5/1 (1912) 630-634; DThC 8/2 (1925) 2628-2637; DDrC 6 (1957) 344-346; LThK 6 (21961) 815-816; NCE 8 (1967) 406; HC 3 (1980) 401-402; U. Robert, *Histoire du pape Calixte II*, Paris-Besançon 1891, 162-177; A. Hauck, *Die Rezeption und Umbildung der allgemeinen Synode im Mittelalter*, Historische Vierteljahrschrift 10 (1907) 468 ff.; G. Meyer von Knonau, *Jahrbücher des deutschen Reiches ...*, VII Leipzig 1909, 228-239; G. Tangl, *Die Teilnehmer an den allgemeinen Konzilien des Mittelalters*, Weimar 1922, 196-205; H. J. Schroeder, *Disciplinary Decrees of the General Councils*, St. Louis, Mo. — London 1937, 177-194; A. Fliche, *La réforme grégorienne et la reconquête chrétienne* (Histoire de l’Eglise 8), Paris 1950, 390-393; G. Franzen, *L’ecclésiologie des conciles médiévaux*, in *Le concile*, 125-141; R. Foreville, *Latran I, II, III et Latran IV* (Histoire des Conciles 6), Paris 1965; M. Mollat and P. Tombeur, *Les conciles Latran I à Latran IV: Concordance, index, listes de fréquence, tables comparatives* (Conciles oecuméniques médiévaux 1), Louvain 1974.

⁸ See Simeon of Durham, *Opera Omnia ...*, II 270-272.

⁹ We have not seen Olmutz Chapter Codex 205; see Pertz, Archiv 10 (1849) 682.

TEXT AND TRANSLATION

CANONES

1. Sanctorum patrum exempla sequentes et officii nostri debito* innovantes, ordinari quemquam per pecuniam in ecclesia Dei vel promoveri, auctoritate sedis apostolicae b modis omnibus prohibemus. Si quis vero in ecclesia ordinationem vel promotionem taliter* adquisierit, adquisitam
5 prorsus careat^o dignitate.^l*

2? A suis episcopis excommunicatos, ab aliis episcopis abbatibus et clericis in communionem* recipi procul dubio prohibemus.³*

3? Nullus in episcopum nisi canonice electum consecret[^]. Quod si praesumptum fuerit, et* consecratus et consecrator absque recuperationis spe deponatur^l.^{*}
10

4.^o Nullus omnino archidiaconus aut archipresbyter^k sive* praepositus vel decanusTM animarum curam vel praebendas ecclesiae sine iudicio vel consensu episcopi* alicui tribuat. Immo sicut sanctis^{ll} canonibus constitutum est, animarum^o cura et rerum[?] ecclesiasticarum dispensatio in
15 episcopi iudicio et potestate permaneat[^]. Si quis vero* contra hoc^r facere aut potestatem quae* ad episcopum pertinet sibi vindicare praesumpserit, ab ecclesiae liminibus arceatur.⁷

5.⁸* Ordinationes quae a Burdino['] haeresiarcha, postquam a Romana ecclesia est damnatus, quaecumque etiam['] a pseudoepiscopis per eum
20 postea ordinatis^{ll} factae['] sunt, nos irritas esse indicamus['].¹⁰

6.¹¹ Nullus^l in praepositum, nullus in archipresbyterum[?], nullus in decanum nisi presbyter^l, nullus in archidiaconum nisi diaconus³¹ ordinetur.¹²

* debito *SMsil* ^o debita *R BdM* debitum *Pertz*

b secundum apostolicam auctoritatem *Pert*[^]

25 c *om. Peri*~ d *aw. Ptrt?* e careat prorsum 5 f comunione *R*

8 electus consecratur *BdM et r. !. a LC usque ad Msi* electum ad consecrandum manus mittat ^o

b praesumptum fuerit at *ei* ». *I. a LC usque ad Msi* praesumpserit ^o *om. Pert*[^]

* dampnatur *Peri*[^] presbyter *Afril* · aut 3 m diaconus *Msil* n sacris *Msil*

^o *om. R BdM* ^o animarum *roll. et* ». *I. in* ^o P pecuniarum ». *I. in* ^o

30 I permaneant *MsP* r haec ^o

* quae ... pertinet] ad episcopum pertinentem ^o

l quaecumque etiam *R S BdM* quae et *Br* quaeque et *Perl*[^] quaeque *rell.*

u om. Br et ». *I. ir.* ^o v ordinatae *Br (ubi factae ut* ». *I. imenitur)* et ». *I. in* ^o

w nos ... iudicamus] nos esse irritas iudicamus 5 *Br Msil Pertq* irritas esse decernimus ^o

35 x Nullus etiam a r archidiaconum ordinetur *Pert*[^] z vel diaconus *add. <x excepto S*
»» nullus ... diaconus *om. Pert*[^]

¹ Conc. Tolosanum (1119), c. 1 (Nisi 21, 226); c. **10 C1q.** ¹ (Fr 1,360); cf. Schroeder 179 n. 4.

['] C. 3 in *Msil*, 9 in ^o. ¹ Cf. Conc. Melfitanum (1089), c. 15 (*Msi* 20, 724).

¹ C.2 in *Msil*, 10 in ^o. * C.3 D. LXII (Fr 1,234).

• C. 5 in *Msil*, 7 in ^o. ⁷ c. 11 C. XVI q. 7 (Fr 1, 804). · C. 6 in ^o, 9 in *Msil*:

* Mauritius Burdinus L e. Gregorius VIII antipapa (1118-1121).

¹⁰ Bernardus Guidonis, *Vita Caixti secundi*, in L. A. Muratori, *Rer. Itai. Script.*, III Mediolani 1723, 421; cf. etiam conc. Placentinum (1095), c. 8 (*Msi* 20, 806) et conc. Romanum (1099), c. 8 (*Msi* 20, 963). ¹¹ G 2 in ^o, 4 in *Msil*.

²² Conc. Tolosanum (1119), c. 2 (*Msi* 21, 226); c. 2 D. LX (Fr 1,226).

CANONS

1. Following the examples of the holy fathers and renewing them as we are bound by our office, by the authority of the apostolic see we altogether forbid anyone to be ordained or promoted in the church of God for money. If anyone indeed should have been ordained or promoted in the church in such a fashion, let him be utterly deprived of the office acquired.'

2? We absolutely forbid those excommunicated by their own bishops to be received into communion by other bishops, abbots and clergy?

3? No one may consecrate as a bishop someone who is not canonically elected. If anyone should presume to do this, let both consecrator and consecrated be deposed¹ beyond hope of restoration?

4⁶ Absolutely no archdeacon, archpriest^k, provost or dean^m may grant to anyone the care of souls or prebends in a church without the decision or consent of the bishop. Rather, as it is constituted by the holy canons, let the care of souls and the dispensing of ecclesiastical affairs remain in the decision and power of the bishop. Indeed, if anyone presumes to do something against this, or to claim for himself the power which pertains to the bishop, let him be banished from the bounds of the church?

5? The ordinations made by the heresiarch Burdinus⁹, after he was condemned by the Roman church, and whatever was afterwards done by pseudo-bishops ordained by him, we judge to be null and void?³

6.¹¹ No one except a priest^z may be ordained to the office of provost, archpriest or dean; no one except a deacon may be ordained to the office of archdeacon^{33.12}

¹ condemned *Pertz* ^k priest *Msi'* ^m deacon *Msi'*

¹ or a deacon *added in a except S*

^u no one ... archdeacon *omitted in Pertz*

¹ Council of Toulouse (1119), canon 1 (*Msi* 21, 226); ch. 10 *C. Iq.*¹ (*Fr* 1,360); see Schroeder 179 n. 4.

² Canon 3 in *Msi*1, 9 in β . ³ See council of Melfi (1089), canon 15 (*Msi* 20, 724).

⁴ Canon 2 in *Msi*1, 10 in β . ⁵ ch. 3 *D. LXII* (*Fr* 1, 234).

⁶ Canon 5 in *Msi*1, 7 in β . ⁷ ch. 11 *C. XVI q. 7* (*Fr* 1, 804). ^s Canon 6 in β , 9 in *Msi*1.

⁹ Maurice Burdinus, i.e. the antipope Gregory VIII (1118-1121).

¹⁰ Bernard Guidonis, *Vita Calixti secundi*, in L. A. Muratori, *Rer. Ital. Script.*, III Milan 1723, 421; see also council of Piacenza (1095), canon 8 (*Msi* 20, 806), and council of Rome (1099), canon 8 (*Msi* 20, 963). ¹¹ Canon 2 in β , 4 in *Msi*1.

¹² Council of Toulouse (1119), canon 2 (*Msi* 21, 226); ch. 2 *D. LX* (*Fr* 1, 226).

7.11 Presbyteris, diaconibus vela subdiaconibus concubinarum et uxorum contubernia penitus interdiciamus et aliarum mulierum cohabitationem, praeter quas synodus Nicaenae² propter³ solas necessitudinum causas* habitare permisit, videlicet matrem sororem a matrem vel materam aut alias huiusmodi, de quibus nulla iuste[®] valeat suspicio oriri.

8.3 Praeterea iuxta beatissimi Stephani papae⁴ sanctionem⁴ statuimus ut laici, quamvis religiosi sint, nullam tamen de ecclesiasticis rebus aliquid disponendi habent facultatem⁵, sed secundum apostolorum canones[®] omnium^k negotiorum ecclesiasticorum^l curam episcopus habeat et ea velut Deo contemplante dispenset. Si⁷ quis ergo principum vel aliorum laicorum dispositionem seu donationem⁸ rerum sive possessionum⁰ ecclesiasticarum^p sibi vendicaverit, ut sacrilegus videatur^{4*8}.

9.® Coniunctiones consanguineorum fieri prohibemus, quoniam eas et divinae et saeculi prohibent leges. Leges enim divinae, hoc agentes, et eos qui ex eis prodeunt non solum eiciunt sed^l maledictos appellant. Leges vero saeculi infames tales eos¹ vocant et ab hereditate repellunt. Nos itaque, patres nostros sequentes, infamiam eos notamus et infames esse^{*} censemus.¹⁰

10. n Eius^l qui? Hierosolymam proficiscuntur et ad Christianam gentem defendendam et tyrannidem infidelium debellandam efficaciter auxili^{um}^{*} praebuerint, suorum peccatorum remissionem²¹ concedimus et domos et[^] familias atque omnia bona eorum in beati Petri et Romanae ecclesiae protectione^{**}, sicut a domino nostro papa Urbano^{dd} statutum^{**}

a et **J Mtil Pert[^]** * diaconis et subdiaconis **Mtil**
c Nicaena synodus **S** * propter s et r. / a **LC** neque ad **Mti** per 0
e solas necessitudines **J** f ont. **Pert[^]**
g iure nulla **Mtil** iuste *poti* valeat **BdM** 0 h oriri suspicio **S Mtil Pertq**
l papae Stephani **S Mtil Pert%** papae ow. **MGH** k omnem con. **MGH**
* ecclesiasticorum negotiorum **J**
m vel... J aut aliorum vel laicorum... A aut laicorum aliorum dispensationem vel **BdM** 0
° dominationem **Pertz et r. / in** 0 0 possessionem ot *exceptée* **R S**
P rerum *add. Pert[^]* ecclesiarum **Mtil**
9 videatur **BdM** videtur **R** iudicetur *rell.* r haec **Mtil**
» etiam *add. S* t *one.* at *exceptu* **R BdM** u *one.* **Pertz**
* infamia ot *et r. / in LC Cl Mti* infamiis *rell.* w eos esse **Pertz**
» autem *add. Pertz* y ad *add. Mtil* l suum *add. S Br Mtil*
remissionem peccatorum **Pertz** bb *oen. exceptit* **R BdM** cc protectionem 5
dd Urbano papa **J Pertz** ee constitutum **R BdM**

I G 3 in 0. * Cf. conc. Nie. I, c. 3, v. supra p. 7 (et cf. Turner 1/1, 116-117).

• C. 4 in 0, 6 in Msi. 4 Cf. ps.-Isid., Steph. 12 (Hinschius 186).

» Cf. conc. Lat. (1110), c. 1 (Msi 21,8); c. 24 G XVI q. 7 (Fr 1, 807).

• Cf. Can. ap. 38 (CSP 29). 7 Inc. c. 9 in Pertz.

7 Si quis ... videatur: conc. Lat. (1110), c. 2 (Msi 21,8); c. 25 G XVI q. 7 (Fr 1, 807).

• G 5 in 0, 8 in Msi, 10 in Pertz.

» Ps.-Isid., Calixt. 16 (Hinschius 140); c. 2 G XXXV q. 2-3 (Fr 1, 1264); cf. etiam conc. Troianum (1093), c. 1 (Msi 20, 789-790).

II C. 11 in 0, 12 in Msi', Pertz.

7.' We absolutely forbid priests, deacons or subdeacons to live with concubines and wives, and to cohabit with other women, except those whom the council of Nicaea² permitted to dwell with them solely on account of necessity, namely a mother, sister, paternal or maternal aunt, or other such persons, about whom no suspicion could justly arise.

8? We further resolve, in accordance with the statute of the most blessed pope Stephen*, that lay persons, however religious they may be, have no power to dispose of any ecclesiastical business⁵; but following the apostolic canons⁶, let the bishop have the care of all ecclesiastical matters, and let him manage them as in the sight of God. Therefore⁷, if any prince or other lay person should arrogate to himself the disposition or donation" of ecclesiastical things or possessions, let him be regarded as sacrilegious.⁸*

9? We prohibit unions between blood relatives, because both the divine and secular laws prohibit them. For, the divine laws not only cast out those doing this and their progeny but also call them accursed; the secular laws call such people disreputable and deprive them of inheritance. We, therefore, following our fathers, mark them with infamy and judge them to be infamous.¹⁰

10.¹¹ To those who set out for Jerusalem and offer effective help towards the defence of the Christian people and overcoming the tyranny of the infidels, we grant the remission of their sins, and we place their houses and families and all their goods under the protection of blessed Peter and the Roman church, just as

n domination *Pertz and variant reading in β.*

l Canon 3 in β. 2 See council of Nicaea 1, canon 3, see above p. 7 (and see Turner 1/1, 116-117).

Canon 4 in β, 6 in Msi1. 4 See pseudo-Isidore, Stephen 12 (Hinschius 186).

See Lateran council (1110), canon 1 (Msi 21, 8); ch. 24 C. XVI q. 7 (Fr 1, 807).

6 See Apostolic canons 38 (CSP 29; trans. Percival 596).

Included in canon 9 in Pertz.

s Therefore ... sacrilegious: Lateran council (1110), canon 2 (Msi 21, 8); ch. 25 C. XVI q. 7 (Fr 1, 807).

Canon 5 in β, 8 in Msi1, 10 in Pertz.

' Pseudo-Isidore, Callistus 16 (Hinschius 140); ch. 2 C XXXV q. 2-3 (Fr 1, 1264); see also council of Troia (1093), canon 1 (Msi 20, 789-790).

ll Canon 11 in β, 12 in Msi1, Pertz.

fuit¹, suscepimus¹. Quicumque ergo ea distrahere vel auferre, quamdiu in via illac morantur, praesumpserint, excommunicationis ultione plecantur. Eos² autem qui vel³ pro Hierosolymitano vel pro Hispanico itinere cruce sibi in vestibis posuisse noscuntur et eas dimisisse, cruce iterato⁴ assumere et⁵ viam ab instanti pascha usque ad sequens proximum⁶ pascha perficere, apostolica auctoritate praecipimus. Alioquin ex tunc eos ab ecclesiae introitu⁷ sequestramus et⁸ in omnibus terris eorum divina⁹ officia praeter infantium baptismum et morientium poenitentias¹⁰ interdicimus.

11? Illam vero pravam defunctorum¹¹ Porticanorum¹² consuetudinem, quae hactenus ibi fuit, ex fratrum nostrorum et totius curiae¹³ consilio necnon ex¹⁴ voluntate atque consensu praefecti removendam censemus, ut Porti¹⁵ orum habitatorum sine heredibus morientium bona contra morientis deliberationem¹⁶ minime pervadantur. Itaque tamen ut Porticani in¹⁷ Romanae ecclesiae et nostra¹⁸ nostrorumque successorum oboedientia¹⁹ et²⁰ fidelitate²¹ permaneant?

12? Sanctorum patrum canonibus consona sentientes, oblationes de sacratissimo et reverendissimo altari beati Petri et Salvatoris et sanctae Mariae Rotundae et sancti²² Nicolai Barensis, sancti Egidii²³ aut²⁴ de aliis omnium ecclesiarum²⁵ altaribus sive crucibus, a laicis auferri penitus interdicimus et sub anathematis distractione²⁶ prohibemus. Ecclesias²⁷ ab laicis²⁸ incastellari aut²⁹ in servitutem redigi, auctoritate apostolica prohibemus³⁰?

13? Quicumque³¹ monetam falsam scienter³² fecerit aut studiose

- 25 * suscepimus *Pert*[^] b ont. *Pertz* c om. *Br* illi *Λ* 107
d om. β e s». *Λ* *Bd.M* β excepto *Br* f Hispanico a *Br* et p. l. a *LC* Hispano *reti*.
8 eas postea *MGH* postea *S Pertz* viam r. i. in β viam postea *Br*
h iterate 5 *Pertz* i ont. β excepto *Br*
proximum sequens 5 *Br* *Afil* proximum pascha sequens *Pertz*
l introitu ecclesiae *Br* m om. β excepto *Br* n omnia add. *R BdM*
° infantium ...] infantum ... *A Pertz* infantibus baptismum (baptisma *Br*) et morientibus poenitentiam *Br Mril*
P curiae totius *Pertz* q om. *Pertz* ex *Mal* et β r et *Br*
» deliberationem morientis *MtP* morientium deliberationem β
35 Ita ... per t om, *Br* u in posterum add. *Pert*% * nostrae *Ptrt*[^]
w oboedientiae *Perl*.* x fideliter *Pert*[^] y aw. a *LC* ad *Aid*
z ecclesiae sancti *Pert*% « et sancti... Egidii om. *Aidl* 0
bb sive *Ptrt*-ζ ac 0 cc ecclesiarum omnium *Aidl*
dd distractione anathematis *Pert*[^] ce firmamus 0
40 f³ et ecclesias *Aidl* *Ptri*[^] gg apostolica auctoritate *Peri**
hh Ecclesias .. < prohibemus *MD* > si quis *Br* kk se sciente α

1 Cf. Urbani concio synodalis ad conc. Chromontanum (1095) (Msi 20, 823).

1 Inc. c. 13 in Msi, Pertz. 3 Om. R S BdM; c. 12 in 0, 14 in Pertz.

• Habitatores fortasse Leonianae civitatis ubi et Sancti Petri porticus est.

3 Cf. *Bu/bure* ..., ed. U. Robert, II nr. 410 Gaffé 7075a).

• Om. S; c. 11 in BdM» 14 in 0, 15 in Msi, Pertz. 7 Inc. c. 12 in R, BdM.

• c. 14 C. X q. 1 (Fr 1, 616), C. 15 in 0, 16 in Msi, Pertz,

has been decreed by our lord pope Urban*. Whoever dares to distraint or carry oft their houses, families and goods, while they are on their way, shall be punished with excommunication. Those² who have put crosses on their clothes, with a view to journeying to Jerusalem or to Spain, and have later taken them off, we command by our apostolic authority to wear the crosses again and to complete the journey between this Easter and the following Easter. Otherwise, from that moment we cut them off from entry into church and forbid divine services in all their lands, apart from the baptism of infants and confessions for the dying.

11? With the advice of our brothers and of the whole curia, and also with the wish and consent of the prefect, we order the abolition of that immoral practice hitherto obtaining with respect to the dead Porticani⁴, so that the goods of Porticani dwellers dying without heirs are not to be dispersed against the wishes of those dying. This', however, is to the extent that the Porticani remain obedient and faithful to the Roman church and to us and our successors?

12? In accordance with the canons of the holy fathers, we absolutely forbid and prohibit the laity, under the penalty of anathema, to remove the offerings from the most sacred and revered altars of blessed Peter and of the Saviour and of St Mary Rotunda and of St Nicholas of Bari, of St Giles³², or from the altars or crosses of all the other churches. By⁷ apostolic authority we forbid the fortification or taking hold of churches by^b lay^b persons^{bhh}.⁸

13? Whoever knowingly makes or intentionally spends counterfeit money

^b omitted in β ' This ... successors omitted in Br

“ and of St Nicholas ... Giles omitted in Msi' β

ⁿ By ... persons omitted in MD

¹ See Urban's synodal speech at the council of Clermont (1095) (Msi 20, 823).

¹ Included in canon 13 in Msi¹, Pertz. ⁵ Omitted in R S BdM; canon 12 in β , 14 in Pertz.

Perhaps inhabitants of the Leonine city, where St Peter's portico is situated.

See *Bidlaire* ..., ed. U. Robert, II no. 410 (Jaffé 7075a).

¹ Omitted in S; canon 11 in BdM, 14 in β , 15 in Msi¹, Pertz. ⁷ Included in canon 12 in R, BdM.

ch. 14 C. X q. 1 (Fr I, 616). ⁹ Canon 15 in β , 16 in Msi¹, Pertz.

exponderit, tamquam maledictus et pauperum virorum oppressor et¹⁴ civitatis turbator¹⁵ a fidelium consortio separetur.

14? Si quis Romipetas et peregrinos*, apostolorum limina et aliorum sanctorum oratoria visitantes, capere seu rebus quas ferunt spoliare¹⁶ vel mercatores* novis teloneorum* scuh pedaticorum¹⁷ exactionibus molestare 5 tentaverit, donec satisfecerit, communione careat¹⁸ christiana?

15? Quicquid vero de pace et trevia Dei velm de incendio seu de publicis stratis ab antecessoribus nostris Romanis pontificibus constitutum est, nos sancti Spiritus auctoritate confirmamus?

16? Sanctorum etiam patrum vestigiis inhaerentes, generali decreto 10 sancimus, ut monachi propriis episcopis¹⁹ cum omni humilitate subiecti existant et eis uti magistris et ecclesiae Dei pastoribus debitam oboedientiam et devotam in omnibus subiectionem exhibeant. Publicas missarum sollemnitates nusquam celebrent. A publicis etiam infirmorum visitationibus, inunctionibus seu etiam poenitentiis, quod ad illorum nullatenus 15 officium pertinet, sese omnino abstineant. In ecclesiis vero, quibus ministrare noscuntur, presbyteros nonnisi per manum sui episcopi habeant, qui ei de suscepta animarum cura respondeant.

[15.] Si quis trtguam diffregerit, usque tertio ad satisfactionem ab episcopo admoneatur. Quod si tertio admonitus²⁰ satisfacere contempserit, episcopus vel cum metropolitan²¹ 20 consilio²² aucq cum duobus aut uno vicinorum episcoporum, in rebellem anathematis sententiam* dictet²³ et per scripturam episcopis circumquaque denuntiet.

[16.] Interdicimus* abbatibus et monachis publicas poenitentias²⁴ darev, infirmos visitare et unctiones facere et missas publicas cantarew. Chrisma et oleum, consecrationes altarium» ordinationes clericorum ab episcopis accipiant, in quorum parochiis manent.²⁵ 25

* necnon *Br Peri*²⁶ necnon et *Mril*

b virorum ... turbator] oppressor virorum ... turbator civitatis *S*

c seu mercatores *add, R BdM* <| expoliare *Msi*²⁷ c vel *R BdM* et *rell*

l *om. R BdM* 3 (*in 0 ut v. I.*) g te²⁸loniorum *Pert*²⁹ h et 5

l pedagiorum *BdM et v. I. in \$* k praesumpserit *Peri*³⁰ l abstineat 3 m *om. MD* 30

n *om. R* ° *om. Msil* P cum ... consilio] mcrropolitanus *Br et v. I. in 3*

9 *om. Br et v. l. in 3* vel *Mrl* * sententiam anathematis *Br* « dicat *Br Mril*

l etiam *add. Mril* u poenitentias publicas *Mril* v et *add. a Bn*³¹ usque ad *Mri*

w et missas ... cantare *rupeinr, port* monachis, collocatur a *Msil*

1 C. 16 in 3, 17 in *Msil*, *Pera*. 1 c. 23 C. XXIV q. 3 (Fr 1,596-997).

’ *Om. S, Pera; Msil* (ut c. 14) et 3 (ut c. 13) dissimilem textdm praebent, quem in calce invenies.

4 Cf. Falco Beneventanus, *Chromcon*, in L. A. Muratori, *Rer, Ital. Script.*, V Mediolani 1724, 99. De c. 14-15 cf. S. W. Baron, *A Social and Religious History of Jews*, IV Philadelphia 1957, 7, 235-236.

5 *Om. S*; in *Pera* tantum invenies: „Uctiones et visitationes infirmorum et publicas missas monachis omnino interdicimus³², atque postea: „Exempla Leonis ad Dioscorum ut in die resurrectionis levitica et sacerdotalis fiat ordinatio, c. 19. Quod mane dominico continuato ieiunio sabbati possit fieri ordinatio, c. 20“; *Msil* (ut c. 18) et 3 (ut c. 17) dissimilem textum praebent, quem in calce invenies.

• Cone. Troianum (1093), c. 2 partira (*Msi* 20, 790).

7 c. 10 G XVI q. 1 (Fr 1,763).

shall be separated from the communion of the faithful as one accursed, an oppressor of the poor and a disturber of the state.

14* If anyone tries to attack pilgrims to Rome and foreigners¹ visiting the shrines of the apostles and the oratories of other saints, or to rob them of the things they bring, or to trouble merchants* with new exactions of tolls and fees, let him be deprived of Christian communion until he makes reparation.²

15? We confirm, with the authority of the holy Spirit, whatever has been determined by the Roman pontiffs our predecessors concerning the peace and truce of God or arson or the public highways?

16? Following in the footsteps of the holy fathers, we order by general decree, that monks be subject to their own bishops" with all humility, and show due obedience and devoted submission to them in all things, as if to masters and shepherds of the church of God. They may not celebrate masses in public anywhere. Moreover, let them completely abstain from public visitations of the sick, from anointings and even from hearing confessions, for these things in no way pertain to their calling. Indeed, in the churches where their ministry is recognized, they may only have priests who were ordained by their own bishop, to whom they will answer for the care of souls which they have assumed.

[15.] If anyone should violate a truce, he is to be admonished up to three times by the bishop to make reparation. If he acts in contempt of the third admonition to make reparation, the bishop, either with the counsel of the metropolitan³ or with two or one of the neighbouring bishops, shall declare the sentence of anathema on the rebel, and denounce him in writing to the bishops all around.⁶

[16.] We forbid abbots and monks to give public penances, to visit the sick, to perform anointings and to chant public masses. They shall receive chrism, holy oil, consecrations of altars and ordinations of clerics from the bishops in whose dioceses they reside.⁷

c or merchants *added in R BdM*

omitted in R BdM β (in β as variant reading)

" omitted in R

p with ... metropolitan] the metropolitan *Br and variant reading in β.*

¹ Canon 16 in β, 17 in Msi-, Pertz. ² ch. 23 C. XXIV q. 3 (Fr 1, 996-997).

³ Omitted in S, Pertz; Msi¹ (as canon 14) and β (as canon 13) have a different text, which we give at the foot of the page.

⁵ See Falk of Benevento, *Chronicon*, in L. A. Muratori, *Rer. Itai. Script.*, V Milan 1724, 99. On canons 14-15 see S. W. Baron, *A Social and Religious History of the Jews*, IV Philadelphia 1957, 7, 235-236.

⁵ Omitted in S; in Pertz there is only: "We absolutely forbid anointings and visits to the sick and public masses by monks", and then: "The examples of Leo to Dioscorus, that on the day of the resurrection there may be a levitical and a sacerdotal ordination, ch. 19. That on Sunday morning, continuing the fast of Saturday, there can be an ordination, ch. 20". Msi¹ (as canon 18) and β (as canon 17) have a different text, which we give at the foot of the page.

⁶ Council of Troia (1093), part of canon 2 (Msi 20, 790).

⁷ ch. 10 C. XVI q. 1 (Fr 1, 763).

17? Ad hanc sanctae Romanae ecclesiae possessiones quietas servare per Dei gratiam¹ cupientes, praecipimus et sub districtione anathematis interdiciamus, ne aliqua militaris^{5*} persona Beneventanam⁰ beati Petri civitatem praesumat invadere aut violenter retinere. Si quis aliter praesumpserit, anathematis vinculo tenetur^{0.2}

18? Ia parochialibus^{*} ecclesiis presbyteri per episcopos constituentur, qui eis respondeant: de animarum cura et de iis quae ad episcopum pertinent. Decimas^S et ecclesias a laicis non suscipiant absque consensu et voluntate episcoporum et si aliter praesumptum fuerit, canonicae ultioni subiaceant^h?

10 19. Servitium quod monasteria aut eorum ecclesiae a tempore Gregorii papae VII usque ad hoc tempus fecerunt¹, et nos concedimus⁴. Possessiones ecclesiarum et episcoporum tricennales¹ abbates vel monachos habere, omnimodis prohibemus^{**.}

20. Paternarum traditionum exemplis commoniti, pastoralis officii debitum persolventes, ecclesias cum bonis suis tam personis quam possessionibus, clericos videlicet ac monachos eorumque conversos, oratores quoque cum suis nihilominus rebus quas ferunt, tutos et sine molestia esse statuimus. Si quis autem contra hoc facere praesumpserit et postquam facinus suum recognoverit, infra triginta dierum spatium competenter non emendaverit, a liminibus ecclesiae arceatur et anathematis gladio feriatur?

21? Presbyteris, diaconibus, subdiaconibus et monachis concubinas habere seu matrimonio^a contrahere penitus interdiximus, contracta quoque matrimonia ab huiusmodi personis disiungi et personas ad poenitentiam debere redigi, iuxta sacrorum canonum definitionem indicamus?

22. Alienationes quae spualiter per Ottonem^o, Hieremiam seu forte Philippum¹⁰ ubilibet de possessionibus Ravennatis exarchatus factae sunt, damnamus. Generaliter autem omnium per intrusionem seu canonice electorum sub episcopi nomine aut abbatis, qui secundum usum ecclesiae suae consecrandus est, alienationes quocunque modo factas nec non personarum ordinationes ab eisdem sine communi consensu clericorum ecclesiae sive per simoniam itidem factas, irritas iudicamus. Illud etiam per omnia interdiximus, ut nullus clericus praebendam suam seu aliquod ecclesiasticum beneficium aliquo modo alienare praesumat. Quod si praesumptum olim fuit vel aliquando fuerit, irritum erit et canonicae ultioni subiacebit.¹¹

ft per Dei gratiam servare *Pert%* b *βΓ et γ. I, in 3*

c Beneventinam *R BdM* Beneventum *ccn. Ptrl^* d tenere *Br Mñl Pert%*

c tradatur *Br* f vero eorum *add. Mal* g autem *add. Aidl*

35 h et si... subiaceant *om. MrP; cf. c. 19*

i sancti *add. Mñl* k fecerunt *Ahil* l triennales *Ahi2* m omnimode *Alsil*

Q Quod si aliter praesumptum fuerit, canonicae ultioni subiaceant *add. Aid2; cj. c. 18*

° Ottonem p. l. in &

1 Om. S; c. 8 in 0, 10 in Msil, 11 in Pertz.

1 Cf. Falco Beneventanus, *Cbronicon*, in L. A. Mutatori, *Rcr. Ital. Script.*, V, Mediolani 1724, 99.

3 Hic et seqq. c. om. a, at Msil c. 18-19 una cum c. (16) praebet. Prior pars huius c, (In parochialibus... ad episcopum pertinent) fortasse ad c. 16 (0) pertinet.

4 Decimas — subiaceant: c. 39 C. XVI q. 7 (Fr 1, 811).

* c. 31 G XV ni q. 2 (Fr 1, 838). · c. 1 C. XVI q. 4 (Fr 1, 796).

7 c. 24 C. XXIV q. 3 (Fr 1, 997). · Cf. c. 7 huius conc. (v. supra p. 19Γ),

• c. 8 D. XXVII (Fr 1, 100).

10 Archiepiscopi ecclesiae Ravennatis dissidentes, saec. XII in.

u Cf. c. 37 G XII q. 2 (Fr 1, 699).

17.¹ In our desire to preserve in peace, by the grace of God, the possessions of the holy Roman church, we strictly forbid, under pain of anathema, any military⁶ person to presume to seize or hold by force Benevento, the city of blessed Peter. If anyone should dare otherwise, he shall be bound by the chain of anathema.¹

18² Priests are to be appointed to parish churches by the bishops, to whom they shall answer for the care of souls and for those matters which pertain to the bishop. They³ may not receive tithes or churches from lay persons without the consent and wish of the bishops; and if they presume to do otherwise, they shall be subject to the canonical penalty^{11.4}

19. We allow the service which monasteries and their churches have paid from the time of pope Gregor⁵ VII until now⁵. We altogether forbid abbots and monks to have the possessions of churches and bishops by a thirty years' provision".⁶

20. Having in mind the examples in the traditions of the fathers, and discharging the duty of our pastoral office, we decree that churches and what belongs to them, both persons and possessions, namely clerics, monks and their lay brothers, as well as those who come to pray and what they bring with them, are to be under protection and not be harmed. If anyone dares to act contrary⁷ to this and, after recognizing his villainy, has not properly made amends within the space of thirty days, let him be banished from the bounds of the church and be smitten with the sword of anathema.⁷

21.⁸ We absolutely forbid priests, deacons, subdeacons and monks to have concubines or to contract marriages. We adjudge, as the sacred canons have laid down, that marriage contracts between such persons should be made void and the persons ought to undergo penance.⁹

22. We condemn the alienations which have been made everywhere, especially by Otto[°], Jeremias, and perhaps Philip¹⁰, of the property of the exarchate of Ravenna. Moreover, we declare in general to be invalid the alienations made in whatever fashion by all persons, whether they were intruded or were canonically elected in the name of a bishop or an abbot, who should be consecrated in accordance with the usage of his own church, and the ordinations conferred by them without the consent of the clergy of the church or through simony. We also forbid absolutely that any cleric should presume to alienate in any way his prebend or any ecclesiastical benefice. Any such action in the past or the future shall be invalid and subject to canonical penalty."

b omitted in Br and variant reading in β

and *if...* penalty *omitted in Msir*; see canon 19

1 holy (fsaint) *added in Msi1*

1 three years *Msi1*

n But if they presume to do otherwise, they shall be subject to canonical penalty *added in Msi1*; see canon 18.

Atto variant reading in β

¹ Omitted in S; canon 8 in β, 10 in Msi1, 11 in Pertz.

² See Falk of Benevento, *Cbronicon*, in L. A. Muratori, *Rer. Ital. Script.*, V Milan 1724, 99.

³ *Iliis* and the following canons are omitted in a, and Msi1 has canons 18-19 together with canon [16]. The first pan of this canon (Priests ... pertain to the bishop) may belong to canon 16 (β).

They ... penalty; ch. 39 C. XVI q. 7 (Fr 1, 811).

⁵ ch. 31 C. XVIII q. 2 (Fr 1, 838). ⁶ ch. 1 C. XVI q. 4 (Fr 1, 796).

ch. 24 C. XXIV q. 3 (Fr 1, 997). ^s See canon 7 of this council (see above p. 191).

⁹ ch. 8 D. XXVII (Fr 1, 100).

i: Dissident archbishops of the church of Ravenna, in the 12th century.

¹¹ Seech. 37 C. XII q. 2 (Fr 1, 699).

Lateran II
1139

INTRODUCTION

In Lent of 1139 a general council was summoned by Pope Innocent II and held in the Lateran basilica¹. As we know, the synod had been convoked the previous year; for the papal legates in England² and Spain³ pressed the bishops and abbots to go to the council. Thus, a good number of fathers, at least five hundred, met in Rome. One of these came from the East, the patriarch of Antioch, but he was a Latin⁴. With the pope presiding the council began on 2 April and it seems to have ended before 17 April, as far as we can judge from the sources⁵.

This council is called “general” in the records and more frequently “plenary” by Innocent himself⁶. However, there is a doubt as to its ecumenicity for the same reasons that affect Lateran I⁷.

The Roman church, which for a long time had been divided in its obedience between Innocent II (1130-1143) and Anacletus II (1130-1138), seems to have overcome schism and factionalism, and indeed to have recovered its peace. This was due to the death of Anacletus in 1138 and the efforts of Bernard of Clairvaux, who had fought with the utmost zeal on behalf of Innocent for the restoration of unity. But Innocent, perhaps upset by the agreements which Anacletus had arrived at, vigorously cited and condemned Anacletus’s part in the evil affair⁸, an action which seems to have provoked a complaint from Bernard⁹.

¹ There are no surviving acts of the council and ver}’ little can be surmised from the records and chronicles. The sources are collected in H-L 5/1, 721-722; but see also, Bernhardi 154 n. 12; *Dialogus de pontificatu sanctae Romanae ecclesiae*, in MGH *Libelli*, III Hanover 1897, 534; Gerhoh of Reichersberg, *ibid.*, 290, 291.

² See Richard of Hexham, *De gestis regis Stephani*, ed. R. Howlett (Rolls series 82/3), London 1886, 175-177.

³ See *Historia Compostellana*, ed. E. Florez (Espana sagrada 20), Madrid 1765, 597-598 (PL 170, 1236).

⁴ See Bernhardi 154 n. 12; H-L 5/1, 722 n. 1; DThC 8/2, 2638; see also Tangl 205-210 (on the patriarch of Antioch see G. Mittarelli and A. Costadoni, *Annales Camaldnlenses ...*, IV Venice 1759, 614).

⁵ See especially *Historia Compostellana*, *op. cit.*, 598; H-L 5/1, 721; DThC 8/2, 2638.

⁶ See pope Innocent II, *Epistolae et privilegia*, PL 179, 450, 459, 462 (Jaffé 8007, 8016, 8017).

⁷ See above p. 187.

⁸ See canon 30, below p. 203 (his earlier name was Peter Pierleoni). Falk of Benevento (in L.A. Muratori, *Rer. Itai. Script.*, V Milan 1724, 127) says that king Roger of Sicily was also excommunicated by the council. Concerning some other opinions of the council fathers see H-L 5/1, 738.

⁹ See letter 213 (PL 182, 378).

Some heretics were also condemned by the fathers, namely those who followed the monk Henry¹⁰ and canons were enacted concerning the reform of the church. The pope and the council fathers, following the example and mind of Pope Gregory VII, took up a good many canons which had been established by previous councils, with a view to restoring ecclesiastical discipline to an unblemished state. They furnish a sort of body of precepts for the whole church, taken from councils in the times of Gregory VII (canon 10), Urban II (canons 3, 21-22), Callistus II (canons 3, 7, 23-25) and especially Innocent II (canons 1, 4-7, 9-12, 14-20). Gratian included many of them shortly afterwards in his *Decrees* (canons 2, 4-6, 8, 19-21, 26-28 and parts of 7, 10, 12, 15-16, 18, 22). Orderic Vitalis, however, was sceptical about their effectiveness in practice¹¹.

Baronius was the first to print the thirty canons (*Annales ecclesiastici* 12, 1607, 277-280), having taken them from two manuscript codices ("a register of the Vatican library and a Vatican codex of decrees"). The Roman editors shortly after produced a more accurate version (Rm 4, 1612, 21-23), from "manuscript codices of the Vatican library and of Anthony Augustine of Tarragona"; this was copied by all later editions, as we have verified, though with some errors. These later editions are as follows: Bn2 3/2 (1618) 487-489; ER 17 (1644) 123-133; LC 10 (1671) 1002-1009; Hrd 6/2 (1714) 1207-1214; Cl 12 (1730) 1497-1507; Msi 21 (1776) 526-533. The canon which E. Martène and U. Durand published (*Thesaurus novus anecdotorum*, IV, Paris 1717, 139-140) as being "omitted in the editions, from a manuscript of St Vincent of Bisignano", is in fact the same as canons 15 and 30. Having collated together all these editions, we have followed the text of the Roman edition.

BIBLIOGRAPHY: H-L 5/1 (1912) 721-738; DThC 8/2 (1925) 2637-2644; DDrC 6 (1957) 346-347; LThK 6 ('1961) 816; NCE 8 (1967) 406-410; HC 4 (1980) 10; W. Bernhardt, *Konrad III* (Jahrbücher der deutschen Geschichte), I Leipzig 1883, 154-160; A. Hauck, *Die Rezeption und Umbildung der allgemeinen Synode im Mittelalter*, Historische Vierteljahrsschrift 10 (1907) 468 if.; G. Tangl, *Die Teilnehmer an den allgemeinen Konzilien des Mittelalters*, Weimar 1922, 196-201, 205-210; R. L. Poole, *The English Bishops at the Lateran Council of 1139*, English Historical Review 38 (1923) 61-63; W. Hunt, *ibid.*, 557-560; H. J. Schroeder, *Disciplinary Decrees of the General Councils*, St. Louis, Mo. — London 1937, 195-213; P. Palumbo, *Lo scisma del MCXXX ...*, Rome 1942, 592-594; A. Eliche, R. Foreville and J. Rousset, *Du premier concile du Latran à l'avènement d'Innocent III*, I (Histoire de l'église 9/1), Paris 1948, 67-71, 137-138; G. Franzen, *L'ecclésiologie des conciles médiévaux*, in *Le concile*, 124-141; F-J. Schmalc, *Studien turn Schisma des Jahres 1130*, Cologne — Graz 1961; R. Foreville, *Latran I, II, III et Latran IV* (Histoire des Conciles 6), Paris 1965; M. Mollat and P. Tombeur, *Les conciles Latran I à Latran IV: Concordance, index, listes de fréquence, tables comparatives* (Conciles oecuméniques médiévaux 1), Louvain 1974.

¹⁰ See R. Manselli, *Il monaco Ennco e la sua eresia*, Bullettino dell'Ist. Stor. Ital. per il Medio Evo. 65 (1953) 30 and n. 1 (subsequently in *Studi sulle eresie del secolo XII*, Rome 1953, 56).

¹¹ See *Historia ecclesiastica*, in MGH Script., XX Hanover 1868. 80.

TEXT ANL) TRANSLATION

CANONES

1. Statuimus ut*, si quis simoniace ordinatus fuerit, ab officio omnino cadat quod illicite usurpavit.¹*

2. Si quis praebendam vel prioratum seu decanatum aut honorem vel promotionem aliquam ecclesiasticam seu quodlibet sacramentum ecclesiasticum, utpoteb chrisma vel oleum sanctum, consecrationes altarium s vel ecclesiarum, interveniente exsecrabili ardore avaritiae⁰, per pecuniam acquisivit, honore male acquisito carcat; et emptor atque venditor et interventor⁰ nota infamiae percellantur³* Et nec pro pastu nec sub obtentu alicuius consuetudinis ante vel post a quoquam aliquid exigatur vel ipse dare praesumar, quoniam simoniacum est; sed libere et absque imminutione aliqua, collata sibi dignitate atque beneficio perfruatur.^{io}

3. A suis episcopis excommunicatos ab aliisf suscipi, modis omnibus prohibemus*. Qui vero excommunicato, antequam ab eo qui eum excommunicaverit absolvatur, scienter communicare praesumpserit, pari sententiae teneatur obnoxius. 15

4. Praecipimus etiam quod tam episcopi quam clerici in statu mentis, in habitu corporis, Deo et hominibus placere studeant, et nec in superfluitate, scissura? aut colore vestium nec in tonsura, intuentium, quorum forma et exemplum esse debent, offendant aspectum, sed potius, quae^{ll} eos deceat, sanctitatem prae se ferant^{l5}. Quod si moniti ab episcopis, emendari noluerint, ecclesiasticis careant beneficiis.[@] 20

5. Illud autem^k quod in sacro Chalcedoniensi constitutum est concilio⁷, irrefragabiliter conservari praecipimus, ut videlicet decedentium bona episcoporum a nullo omnino hominum diripiantur, sed ad opus ecclesiae et successoris sui in libera oeconomi et clericorum permaneant potestate. 25 Cesset igitur de cetero illa detestabilis et saeva rapacitas. Si quis autem amodo^l hoc attentare praesumpserit, excommunicationi subiaceat. Qui vero moriendum presbyterorum vel clericorum bona rapuerint, simili sentendae subiiciantur.⁸*

* ut *Br om. Rm* b utputa *Br* c emptionis *add. v. !. in Br*
d avaritiae ... honore *om. Br* c intervenditor *Br* » alio *Br*
g *om. Br* h quam *Br* i prae se ferant *om. Br*
k etiam *Br* l aliquo modo *v. !. in Rm* hoc amodo *Br*

30

¹ Cone. Garomontanum (1130), c. 1 partim (Msi 21, 438); conc. Remense (1131), c. 1 partim (Msi 21, 458); conc. Pisanum (1135), c. 1 partim (Msi 21, 489).

¹ Si quis ... percellantur: conc. Garomontanum (1130), c. 1 partim (Msi 21, 438); conc. Remense (1131), c. 1 partim (Msi 21, 458); conc. Pisanum (1135), c. 1 partim (Msi 21, 489).
⁷ c. 15 **C I** q. 3 (Fr 1, 418).

• Cf. conc. Melfitanum (1089), c. 15 (Msi 20, 724); conc. Lat. I, c. 2 (v. supra p. 190).

¹ Praecipimus ... se ferant: conc. Garomontanum (1130), c. 2 (Msi 21, 438); conc. Remense (1131), **1** 2 (Msi 21, 458).

• c. 5 **C. XXI** q. 4 (Fr 1, 859); cf. conc. Remense (1148), c. 2 (Msi 21, 714).

⁷ Cf. conc. Chalc., c. 22 (ACO II/2, 151, 183, 194, 201; v. supra p. 97).

• Conc. Garomontanum (1130), c. 3 (Msi 21, 438); conc. Remense (1131), c. 3 (Msi 21, 458); c. 47 **C. XII** q. 2 (Fr 1, 702).

CANONS

1. We decree that if anyone has been ordained simoniacally, he is to forfeit entirely the office which he illicitly usurped.¹

2. If anyone has aquired, through payment, a prebend, priory, deanery' or any ecclesiastical honour or preferment, or a holy thing of the church of any kind, such as chrism or holy oil, or the consecrations of altars or churches, where the execrable passion of avarice has been the motive, let him be deprived of the honour which he wrongly acquired; and let the buyer and seller and intermediary be stigmatised with the mark of infamy²* And let nothing be demanded for sustenance or under the pretext of any custom from anyone before or afterwards, nor should the person himself presume to give anything, since this is simony; but let him enjoy freely and without any diminution the dignity and benefice which has been conferred on him?

3. We utterly prohibit those who have been excommunicated by their bishops to be received by others⁴. Indeed, whoever knowingly presumes to communicate someone who has been excommunicated, before he is absolved by the one who excommunicated him, is to be held liable to the same sentence.

4. We also enjoin that bishops as well as clergy take pains to be pleasing to God and to humans in both their interior and exterior comportment. Let them give no offence in the sight of those for whom they ought to be a model and example, by the excess, cut or colour of their clothes, nor with regard to the tonsure, but rather, as is fitting for them, let them exhibit holiness⁵. If after a warning from the bishops they are unwilling to change their ways, let them be deprived of their ecclesiastical benefices.⁶⁷

5. We enjoin that what was laid down in the sacred council of Chalcedon' be rigidly adhered to, namely, that the goods of deceased bishops are not to be seized by anyone at all, but are to remain freely at the disposal of the treasurer and the clergy for the needs of the church and the succeeding incumbent. Therefore, from now on, let that detestable and wicked rapacity cease. Furthermore, if anyone dares to attempt this behaviour henceforth, he is to be excommunicated. And those who despoil the goods of dying priests or clerics are to be subject to the same sentence.⁸

¹ Council of Clermont (1130), canon 1 in part (Msi 21, 438); council of Rheims (1131), canon 1 in part (Msi 21, 458); council of Pisa (1135), canon 1 in part (Msi 21, 489).

² If anyone ... infamy: council of Clermont (1130), canon 1 in part (Msi 21, 438); council of Rheims (1131), canon 1 in part (Msi 21, 458); council of Pisa (1135), canon 1 in part (Msi 21, 489).

⁵ ch. 15 C. 1 q. 3 (Fr 1, 418).

⁴ See council of Melfi (1089), canon 15 (Msi 20, 724); Lateran council I, canon 2 (see above P- 190).

['] We also enjoin ... holiness: council of Clermont (1130), canon 2 (Msi 21, 438); council of Rheims (1131), canon 2 (Msi 21, 458).

⁶ ch. 5 C. XXI q. 4 (Fr 1, 859); see council of Rheims (1148), canon 2 (Msi 21, 714).

⁷ See council of Chalcedon, canon 22 (ACO 11/2, 151, 183, 194, 201; see above p. 97).

⁸ Council of Clermont (1130), canon 3 (Msi 21, 438); council of Rheims (1131), canon 3 (Msi 21, 458); ch. 47 C. XII q. 2 (Fr 1, 702).

6. Decernimus etiam ut ii*, qui in ordine subdiaconatus et supra uxores duxerint aut concubinas habuerint, officio atque ecclesiastico|* beneficio careant. Cum enim ipsi templum Dei, vasa Domini, sacrarium Spiritus sancti debeant esse et dici, indignum est eos cubilibus et im-
5 munditiis¹ deservire.³

7. Ad haec praedecessorum nostrorum Gregorii VII, Urbani et Paschalis Romanorum pontificum vestigiis inhaerentes, praecipimus^c ut nullus missas eorum audiat, quos uxores vel concubinas habere cognoverit³. Ut autem lex continentiae et Deo placens munditia in ecclesiasti-
10 cis personis et sacris ordinibus dilatetur, statuimus quatenus episcopi presbyteri diaconi subdiaconi regulares canonici et monachi atque conversi professi³, qui sanctum¹ transgredientes propositum¹ uxores sibi copulare praesumpserint, separentur. Huiusmodi namque copulationem, quam contra ecclesiasticam regulam constat esse contractam, matrimonium non
is esse censemus. Qui etiam ab invicem separati, pro tantis excessibus condignam poenitentiam agant⁵.⁴

8. Id ipsum quoque de sanctimonialibus feminis si, quod absit, nubere attentaverint, observari decernimus.⁵

9. Prava autem consuetudo, prout accepimus, et detestabilis inolevit,
μ quoniam⁵ monachi et regulares canonici post susceptum habitum et professionem factam, sprete beatorum magistrorum Benedicti et Augustini regula, leges temporales et medicinam gratia lucris temporalis addiscunt. Avaritiae namque flammis accensi, se patronos causarum faciunt; et cum psalmodiae et hymnis vacare debeant¹, gloriosae vocis
25 confisi munimine, allegationum suarum varietate iustum et iniustum, fasque confundunt. Attestantur¹ verum imperiales constitutiones, absurdum immo et^b opprobrium esse clericis, si peritos se velint disputationum esse forensium. Huiusmodi temeratores graviter feriendos², apostolica auctoritate decernimus⁰. Ipsi quoque², neglecta animarum
w cura, ordinis sui propositum nullatenus attendentes, pro detestanda pecunia sanitatem pollicentes, humanorum curatores se faciunt² corporum. Cumque impudicus oculus impudici cordis sit nuntius, illar de quibus loqui erubescit honestas, non debet religio pertractare. Ut ergo ordo monasticus et canonicus Deo placens in sancto proposito

35 l hi *Br* b *cm. Br* c interdicimus *Br* d et professi v. *I. in Rm* e sacrum *Br*
f praeceptum r. *I. in Rm* g poenitentiam agant condignam *Br*
h quod et *Br* i deberent *Br* k fasque *Br* l attestantes *Br* m enim *Br*
n temeratoribus ... feriendis *Br* ° apostolica ... decernimus *om. Br*
P canonici et monachi *add. Br* q se faciunt curatores *Br* r etiam *add. Br*

¹ Cf. Rm 13,13.

* Conc. Garomontanum (1130), c. 4 (Msi 21, 438); conc. Remense (1131), c. 4 (Msi 21, 458); c. 2 D. XXVIII (Fr 1, 101).

* Ad haec ... cognoverit: conc. Remense (1131), c. 5 (Msi 21, 459).

^c Ut autem lex ... agant: c. 40 C. XXVII q. 1 partim (Fr 1, 1059); cf. conc. Lat. I, c. 21 0 (v. supra p. 194).

* c. 40 G XXVII q. 1 partim (Fr 1,1059).

6. We also decree that those in the orders of subdeacon and above who have taken wives or concubines are to be deprived of their position and ecclesiastical benefice. For since they ought to be in fact and in name temples of God, vessels of the Lord and sanctuaries of the holy Spirit, it is unbecoming that they give themselves up to marriage and impurity^{1,2}

7. Adhering to the path trod by our predecessors, the Roman pontiffs Gregory VII, Urban and Paschal, we prescribe that nobody is to hear the masses of those whom he knows to have wives or concubines³. Indeed, that the law of continence and the purity pleasing to God might be propagated among ecclesiastical persons and those in holy orders, we decree that where bishops, priests, deacons, subdeacons, canons regular, monks and professed lay brothers have presumed to take wives and so transgress this holy precept, they are to be separated from their partners. For we do not deem there to be a marriage which, it is agreed, has been contracted against ecclesiastical law. Furthermore, when they have separated from each other, let them do a penance commensurate with such outrageous behaviour.⁴

8. We decree that the selfsame thing is to apply also to women religious if, God forbid, they attempt to marry.⁵

9. Moreover, the evil and detestable practice has grown, so we understand, whereby monks and canons regular, after receiving the habit and making their profession, are learning civil law and medicine with a view to temporal gain, in scornful disregard of the rules of their blessed teachers Benedict and Augustine. In fact, burning with the fire of avarice, they make themselves the advocates of suits; and since they have to neglect the psalmody and hymns, placing their trust in the power of fine rhetoric instead, they confuse what is right and what is wrong, justice and iniquity, by reason of the variety of their arguments. But the imperial constitutions testify that it is truly absurd and reprehensible for clerics to want to be experts in the disputes of law courts. We decree by apostolic authority that lawbreakers of this kind are to be severely punished. There are also those who, neglecting the care of souls, completely ignore their state in life, promise health in return for hateful money and make themselves healers of human bodies. And since an immodest eye manifests an immodest heart, religion ought to have nothing to do with those things of which virtue is ashamed to speak. Therefore, we forbid by apostolic authority this practice to continue, so

¹ See Rm 13, 13.

² Council of Clermont (1130), canon 4 (Msi 21, 438); council of Rheims (1131), canon 4 (Msi 21, 458); ch. 2 D. XXVIII (Fr 1, 101).

Adhering ... concubines: council of Rheims (1131), canon 5 (Msi 21, 459).

⁴ Indeed ... behaviour: ch. 40 C. XXVII q. 1 in part (Fr 1, 1059); see Lateran council I, canon 21S (see above p. 194).

⁵ ch. 40 C. XXVII q. 1 in part (Fr 1, 1059).

inviolabiliter conservetur, ne hoc ulterius praesumatur, apostolica auctoritate* interdicimus. Episcopi aurem, abbates et priores tantae enormitati consentientes et non corrigentes, propriis honoribus spolientur ctb ab ecclesiae liminibus arceantur.¹

10. Decimas ecclesiarum, quas in usu pietatis concessas esse canonica s demonstrat auctoritas, a laicis possideri apostolica auctoritate' prohibemus. Sive enim ab episcopis vel regibus vel quibuslibet personis eas acceperint, nisi ecclesiae reddiderint, sciant se sacrilegii crimen committere et periculum aeternae damnationis incurrere². Praecipimus etiam ut laici, qui ecclesias tenent, aut eas episcopis restituant aut excommunicationi subia- io ccant³. Innovamus autem et praecipimus, ut nullus in archidiaconum vel decanum nisi diaconus vel presbyter ordinetur; archidiaconi vero, decani* vel praepositi⁴, qui intra ordines praenominatos existunt, si inoboedientes ordinari contempserint, honore suscepto priventur*⁵. Prohibemus autem ne adolescentibus vel infra sacros ordines constitutis, sedf quif prudentia is et merito vitae clarescunt, praedicti concedantur honores⁶. Praecipimus etiam ne conductitiis presbyteris ecclesiae committantur et unaquaeque ecclesia, cui facultas suppetit, proprium habeat sacerdotem.⁶

11. Praecipimus etiam ut presbyteri, clerici, monachi, peregrini et mercatores eth rustici euntes et redeuntes et in agricultura persistentes, 20 et animalia cum quibus aratur⁷ et semina portant ad agrum, et ovesk, omni tempore securi sint.^{7*}

12. Treguam autem⁸ ab occasu solis in quarta feria usque ad ortum solis in secunda feria, et ab adventu Domini usque ad octavas epiphaniae et a quinquagesima usque ad octavam paschae, ab omnibus inviola- 25 biliter observari praecipimus. Si quis autem treguam⁹ frangere tentaverit, post tertiam commonitionem si non satisfecerit, episcopus suus in eum excommunicationis¹⁰ sententiam dictet et scriptam¹¹ episcopis vicinis¹²

* auctoritate apostolica *Br* b vel *Br et v. l. in Rm Br RE* c vel praepositi *Br*
d decani *Br* e priventur suscepto *Br* f nisi *Br* g inductitiis *Br* 30
b *am. Br* · fortasse arant k et animalia ... oves *om. Br* l Dei *add. Br*
m fortasse scripto ° vicinis episcopis *Br*

¹ Conc. Claromontanum (1130), c. 5 (Msi 21, 43S-439); conc. Remense (1131), c. 6 (Msi 21, 459).

* Decimas ... incurrere: conc. Romanum (1078), c. 6 (Msi 20, 510); c. 1 C. XVI q. 7 partim, sub nomine Gregorii papae VII (Fr 1, 800).

* Praecipimus ... subiaceant: conc. Claromontanum (1130), c. 6 (Msi 21,439); conc. Remense (1131), c. 7 (Msi 21,459).

⁴ Innovamus ... priventur: conc. Claromontanum (1130), c. 7 (Msi 21, 439); conc. Pisanum (1135), c. 7 (Msi 21,489).

* Innovamus ... honores: conc. Remense (1131), c. 8 (Msi 21,459-460); c. 3 D. LX (Fr 1, 226-227); Prohibemus ... honores: conc. Pisanum (1135), c. 9 (Msi 21, 489-490).

* Praecipimus ... sacerdotem: conc. Remense (1131), c. 9 (Msi 21, 460); c. 5 C. XXI q. 2 (Fr 1, 855). De hoc c. cf. Gerhohus praepositus Reichersbergensis, *Liber de novitatibus buius temporis*, ed. E. Sackur, in MGH *Libelli*, 1II Hannoverae 1897, 291.

⁷ Conc. Claromontanum (1130), c. 8 partim (Msi 21,439); conc. Remense (1131), c. 10 (Msi 21, 460).

that the monastic order and the order of canons may be preserved without stain in a state of life pleasing to God, in accord with their holy purpose. Furthermore, bishops, abbots and priors who consent to and fail to correct such an outrageous practice are to be deprived of their own honours and kept from the thresholds of the church.¹

10. We prohibit, by apostolic authority, that the tithes of churches be possessed by lay people where canonical authority shows these were assigned for religious purposes. For whether they accept them from bishops or kings, or any person whatsoever, let them know that they are committing the crime of sacrilege and incurring the threat of eternal damnation, unless they hand them back to the church². We also direct that lay people who are in possession of churches must either restore them to the bishops or become subject to excommunication³. We reiterate our decision that nobody is to hold the office of archdeacon or dean unless he is ordained deacon or priest; and archdeacons, deans or provosts who are without these orders are to be deprived of the honour they have received, if through disobedience they refuse to be ordained⁴. Moreover, we forbid the aforesaid honours to be conferred on youths or those not yet in sacred orders; let them be conferred rather on those who are outstanding in prudence and integrity of life⁵. We also enjoin that churches are not to be entrusted to hired priests and that each and every church with sufficient means is to have its own priest.⁶

11. We also prescribe that priests, clerics, monks, pilgrims, merchants and peasants, in their coming and going and their work on the land, and the animals with which they plough and carry seeds to the fields, and their sheep, be left in peace at all times.^{7†0}

12. We decree that the truce¹ is to be inviolably observed by all from sunset on Wednesday until sunrise on Monday, and from Advent until the octave of the Epiphany, and from Quinquagesima until the octave of Easter. If anyone tries to break the truce, and he does not comply after the third warning, let his bishop pronounce sentence of excommunication on him, and communicate his decision in writing to the neighbouring bishops. Moreover let none of the bishops receive

k and the animals ... sheep *omitted in Br*

1 of God *added in Br*

¹ Council of Clermont (1130), canon 5 (Msi 21, 438-439); council of Rheims (1131), canon 6 (Msi 21, 459).

² We prohibit... church: council of Rome (1078), canon 6 (Msi 20, 510); ch. 1 C. XVI q. 7 in part, under the name of pope Gregory VII (Fr 1, 800).

³ We also direct ... excommunication: council of Clermont (1130), canon 6 (Msi 21, 439); council of Rheims (1131), canon 7 (Msi 21, 459).

⁴ We reiterate ... ordained: council of Clermont (1130), canon 7 (Msi 21, 439); council of Pisa (1135), canon 7 (Msi 21, 489).

⁵ We reiterate ... life: council of Rheims (1131), canon 8 (Msi 21, 459-460); ch. 3 D. LX (Fr 1, 226-227); Moreover ... life: council of Pisa (1135), canon 9 (Msi 21, 489-490).

⁶ We also enjoin ... priests: council of Rheims (1131), canon 9 (Msi 21, 460); ch. 5 C. XXI q. 2 (Fr 1, 855); On this canon see Gcrhoh, provost of Reichersberg, *Liber de novitatibus huius temporis*, ed. E. Sackur, in *MGH Libelli*, III Hanover 1897, 291.

Council of Clermont (1130), canon 8 in part (Msi 21, 439); council of Rheims (1131), canon 10 (Msi 21, 460).

annuntiet. Episcoporum autem nullus ex eo unicarum¹ in communio-
nem suscipiar, immo scripto susceptam sententiam quisque confirmet.
Si quis autem hoc violare praesumpserit, ordinis sui periculo subiacebit.
Et quoniam *funiculus triplex difficile rumpitur*^{1*}, praecipimus³ ut episcopi,
5 ad solum Deum et salutem populi habentes respectum, omni tepiditate
seposita, ad pacem firmiter tenendam mutuum sibi consilium et auxilium
praebeant neque hoc alicuius amore aut odio praetermittant⁵. Quod si
quis in hoc Del opere tepidus inventus fuerit, damnum propriae digni-
tatis incurrat.³

io 13. Porro detestabilem et probrosam divinis et humanis legibus, per
Scripturam in veteri et novo Testamento abdicatam, illam, inquam,
insatiabilem foeneratorum rapacitatem damnamus et ab omni ecclesiastica
consolatione sequestramus, praecipientes ut nullus archiepiscopus, nullus
episcopus vel cuiuslibet ordinis abbas seu quivis in ordine et clero, nisi
is cum summa cautela usurarios recipere praesumat; sed in tota vita infames
habeantur et nisi resipuerint, Christiana sepultura priventur.*

14. Detestabiles autem illas nundinas vel ferias, in quibus milites ex
condicto convenire solent et ad ostentationem virium suarum et audaciae
temerarie¹ congregiuntur, unde mortes hominum et animarum pericula
io saepe proveniunt, omnino fieri interdicimus. Quod si quis eorum ibidem
mortuus fuerit, quamvis ei poscenti poenitentia et viaticum non negetur,
ecclesiastica tamen careat sepultura?

15. Item placuit ut si quis, suadente diabolo, huiusf sacrilegii reatum
incurreret¹, quodh in clericum vel monachum violentas* manus iniecerit¹,
25 anathematis¹ vinculo¹ subiaceat et nullus episcoporum illum praesumat
absolvere, nisi mortis urgente periculo, donec apostolico conspectui prae-
sentetur et eius mandatum suscipiat*. Praecipimus etiam ut in eos, qui ad
ecclesiam vel coemeterium confugerint, nullus omnino manum[®] mittere
audeat. Quod si fecerit, excommunicetur.⁷

excommunicatos *Br* b neque ... praetermittant] ne ... praetermittatur *Br*
d temerariae. *Br* c omni modo *Br* *f in Br* g incurrit *Rm*
h sive *Br* i *cm. Br* k violenter *add. Br*
i anathemati *Br* m manus *Br* n qui *Br*

¹ Ec 4,12. ¹ praecipimus ... incurrat: c. 11 D. XC (Fr 1, 315).

³ Conc. Claromontanum (1130), c 8 partim (Msi 21,439); conc. Remense (1131), c. 11 (Msi 21,460).

⁴ Cf. T. P. McLaughlin, *The Teaching of Canonists on Usury* ..., Mediaeval Studies 1 (1939) 84; 2 (1940) 4 sqq.

¹ Conc. Claromontanum (1130), c- 9 (Msi 21, 439); conc. Remense (1131), c. 12 (Msi 21, 460-461).

• Item placujf... suscipiat: conc. Remense (1131), c. 13 (Msi 21,461); conc. Pisanum (1135), c. 12 (Msi 21,490); c. 29 G XVII q. 4 (Fr 1. 822).

⁷ Praecipimus edam... excommunicetur: conc. Remense (1131), c. 14 (Msi 21,461); conc. Pisanum (1135), c. 14 (Msi 21, 490); Item placuit... anathematis vinculo subiaceat, Quod si fecerit, excommunicetur: conc. Claromontanum (1130), c. 10 (Msi 21,439). De hoc c. cf. inter alia DThC 7, 1221; S. Kuttner, *Kanonisiische Schuldlebre non Gratian bis auf die DekretaJen Gregors IX*. (Studi e tesd 64), Città del Vaticano 1935, 68-69.

into communion the excommunicated person, but rather let each confirm the sentence received in writing. If anyone presumes to infringe this, he will do so at the risk of his position. Since *a threefold cord is not quickly broken*, we enjoin¹ bishops, having regard for God alone and the salvation of the people, and laying aside all timidity, to furnish each other with mutual counsel and help towards firmly maintaining peace, and not to omit this duty by reason of any affection or aversion. For if anyone is found to be lukewarm in this work of God, let him incur the loss of his dignity.³

13. Furthermore, we condemn that practice accounted despicable and blameworthy by divine and human laws, denounced by Scripture in the old and new Testaments, namely, the ferocious greed of usurers; and we sever them from every comfort of the church, forbidding any archbishop or bishop, or an abbot of any order whatever or anyone in clerical orders, to dare to receive usurers, unless they do so with extreme caution; but let them be held infamous throughout their whole lives and, unless they repent, be deprived of a Christian burial.⁴⁵

14. We entirely forbid, moreover, those abominable jousts and tournaments in which knights come together by agreement and rashly engage in showing off their physical prowess and daring, and which often result in human deaths and danger to souls. If any of them dies on these occasions, although penance and viaticum are not to be denied him when he requests them, he is to be deprived of a church burial?

15. In the same way we have decided to legislate that if anyone, at the instigation of the devil, incurs the guilt of the following sacrilege, that is, to lay violent hands on a cleric or a monk, he is to be subject to the bond of anathema; and let no bishop presume to absolve such a person unless he is in immediate danger of death, until he has been presented before the apostolic See and submits to its decision⁶. We also prescribe that nobody dare to lay hands on those who flee to a church or cemetery. If anyone does this, let him be excommunicated.⁷

¹ Ec 4, 12. ² we enjoin ... dignity: ch. 11 D. XC (Fr 1, 315).

⁵ Council of Clermont (1130), canon 8 in part (Msi 21, 439); council of Rheims (1131), canon II (Msi 21, 460).

⁴ See T. P. McLaughlin, *The Teaching of Canonists on Usury ...*, Mediaeval Studies 1 (1939) 84; 2 (1940) 4 ff.

⁵ Council of Clermont (1130), canon 9 (Msi 21, 439); council of Rheims (1131), canon 12 (Msi 21, 460-461).

⁶ In the same ... decision: council of Rheims (1131), canon 13 (Msi 21, 461); council of Pisa (1135), canon 12 (Msi 21, 490); ch. 29 C. XVII q. 4 (Fr 1, 822).

⁷ We also ... excommunicated: council of Rheims (1131), canon 14 (Msi 21, 461); council of Pisa (1135), canon 14 (Msi 21, 490); In the same ... bond of anathema. If anyone does this, let him be excommunicated: council of Clermont (1130), canon 10 (Msi 21, 439). On this canon see among others DThC 7,1221 ; S. Kuttner, *Kanonistische Schuldlehre von Gratian bis auf die Dekretalen Gregors IX.* (Studi e testi 64), Vatican City 1935, 68-69.

16. Indubitatum est quoniam honores ecclesiastici sanguinis non sunt sed meriti, et ecclesia Dei non hereditario iure aliquem*, neque secundum carnem, successorem⁰ expectat⁰, »sed ad sua regimina et officiorum suorum dispensationes, honestas sapientes et religiosas personas exposcit¹. Propterea auctoritate prohibemus apostolica, ne quis ecclesias, praebendas, praeposituras, capellanas aut aliqua* ecclesiastica officia hereditario iure valeat vindicare aut expostulare⁰ praesumat. Quod si quis improbus aut ambitiosus reus* attentare praesumpserit, debita pena mulctabitur et postulatis carebit.⁸

17. Sane coniunctiones consanguineorum omnino fieri prohibemus; huiusmodi namque incestum*, qui fereh (stimulante humani generis inimico) in usum versus' est, sanctorum patrum instituta et sacrosancta Dei detestatur ecclesia. Leges etiam sacculi de tali contubernio natos, infames pronuntiant et ab hereditate repellunt.³

18. Pessimam siquidem et depopulatricem et horrendam incendiorum^{1*} is malitiam, auctoritate Dei et beatorum apostolorum Petri et Pauli, omnino detestamur et interdicimus⁴. Haec etenim pestis et hostilis vastitas omnes alias depredationes exsuperat; eoque quantum populo Dei sit damosa quantumque detrimentum animabus et corporibus inferat", nullus ignorat. Assurgendum est igitur et omni^o modo^o laborandum, ut tanta clades* tantaque* perniciēs pro salute populi eradicetur et extirpetur. Si quis igitur post huius nostrae prohibitionis promulgationem, malo studio sive pro odio sive pro vindicta, ignem⁵ apposuerit vel apponi fecerit aut appositoribus consilium vel auxilium scienter* tribuerit, excommunicetur. Et si mortuus fuerit incendiarius, Christianorum careat sepultura. Nec absolvatur nisi prius, damno cui intulit secundum facultatem suam resarcito, iuret se ulterius ignem non appositurum. Poenitentia autem* ei^o detur*', ut Hierosolymis aut in Hispania in servitio Dei per annum integrum permaneat.^{5*}

19. Si quis autem archiepiscopus vel* episcopus* hoc relaxaverit, damnum restituat et per* annum* ab* officio episcopali abstineat.'

* om. Br b non Br c successores expectet Br d exposcat Br

e expoliare 9. l. in Br ea postulare 9. l. in Hrd C! Afri f ambitiosus Br

8 incestus Br h quod iam Br « versus Br

incendiariorum a LC ad Afri ' enim Br m haec Br Cl Afri n conferat Br 35

o omnino Br p ignes Br q videtur Rsn Bn2 ER st p. l. a LC c haec Br

1 Propterea ... carebit: c. 7 C. VIII q. 1 (Fr 1, 591).

* Conc Chromontanum (1130), c. 11 (Msi 21, 439); conc. Remense (1131), c. 15 (Msi 21, 461).

1 Conc Chromontanum (1130), c. 12 (Msi 21, 439-440); conc Remense (1131), c. 16 (Msi 21, 461); cf. conc. Lac I, c. 9 (v. supra p. 191).

4 Pessimam ... interdicimus. Si quis ... permaneat: c 32 C XXIII q. 8 partim (Fr 1, 964-965).

4 Conc. Chromontanum (1130), c. 13 partim (Msi 21, 440); conc. Remense (1131), c. 17 partim (Msi 21, 461-462). De hoc et duobus sqq. c. cf. *Caras monasterii Petrisbcuentis*, edd. O. Abel et L. Weiland, in *MGH Script.*, XX Hannoverae 1868, 673.

* Conc. Chromontanum (1130), c. 13 partim (Msi 21, 440); conc. Remense (1131), c. 17 partim (Msi 21, 462); c. 32 C. XXIII q. 8 partim (Fr 1, 965).

16. It is undoubtedly the case that since ecclesiastical honours depend not on blood-relationships but on merit, and since the church of God awaits successors not on the basis of any right of inheritance, nor according to the flesh, it requires virtuous, wise and devout persons for its administration and the distribution of its offices. Therefore we prohibit, by apostolic authority, anyone to exercise a claim over or to demand, by hereditary right, churches, prebends, provostships, chaplaincies or any ecclesiastical offices. If anyone, unjustly and guilty of ambition, dares to attempt this, he will be duly punished and deprived of the object of his suit.²⁵

17. With good reason we entirely prohibit unions within the bounds of consanguinity; for the teachings of holy fathers and the holy church of God detest incestuous behaviour of this kind, which (under the influence of the enemy of the human race) is engaged in nowadays. Even the secular laws pronounce those born of such a union infamous, and refuse them the right of inheritance?

18. We completely detest and forbid, by the authority of God and the blessed apostles Peter and Paul, that most dreadful, devastating and malicious crime of incendiarism? For this pernicious and inimical calamity surpasses all other kinds of destruction. Nobody is unaware of the extent to which it is injurious to the people of God and the damage it brings to souls and bodies. It is necessary, therefore, to oppose it and to labour with all one's might, that so great a harm and danger be eradicated and suppressed for the sake of the people. If anyone, then, after the publication of this prohibition of ours, from some wicked design born of hate or vengeance, starts a fire or causes it to be started, or knowingly provides counsel or help to those starting one, let him be excommunicated. And when an arsonist dies, he is to be deprived of a Christian burial. Nor is he to be absolved unless, having first made reparation for the loss according to his means, he swears that he will never raise a fire again. Moreover, let him be given the penance of remaining a whole year in Jerusalem or Spain in the service of God?

19. If any archbishop or bishop relaxes this decree, he is to make restitution for the loss and abstain from his episcopal office for a year?

¹ Therefore ... suit: ch. 7 C. VIII q. 1 (Fr 1, 591).

² Council of Clermont (1130), canon 11 (Msi 21, 439); council of Rheims (1131), canon 15 (Msi 21, 461).

Council of Clermont (1130), canon 12 (Msi 21, 439-440); council of Rheims (1131), canon 16 (Msi 21, 461); see Lateran council I, canon 9 (see above p. 191).

⁴ We completely ... incendiarism. If anyone ... of God: ch. 32 C. XXIII q. 8 in part (Fr 1, 964-965).

⁵ Council of Clermont (1130), canon 13 in part (Msi 21, 440); council of Rheims (1131), canon 17 in part (Msi 21, 461-462). On this and the two following canons see *Casus monasterii Petrishusensis*, edd. O. Abel and L. Weiland, in MGH *Script.*, XX Hanover 1868, 673.

⁶ Council of Clermont (1130), canon 13 in part (Msi 21, 440); council of Rheims (1131), canon 17 in part (Msi 21, 462); ch. 32 C. XXIII q. 8 in part (Fr 1, 965).

20. Sane regibus et principibus facultatem¹ faciendae iustitiae, consultis archiepiscopis et episcopis, non negamus.¹

21. Presbyterorum filios a sacri altaris ministeriis removendos decernimus, nisi aut in coenobiis aut in canonicis religiose fuerint conversati.²

s 22. Sane quia inter cetera unum est quod sanctam maxime perturbat ecclesiam, falsa videlicet poenitentia, contra³ nostros⁸ et presbyteros admonemus¹, ne falsis poenitentiis laicorum animas decipiant et in infernum pertrahi patiantur. Falsam autem poenitentiam esse constat cum, spretis pluribus, de uno solo poenitentia agitur aut cum sic agitur de uno
io ut non discedatur ab alio. Unde scriptum est: *Qui totam legem observaverit, offendit* autem in uno, factus est omnium reus**, scilicet quantum ad vitam aeternam. Sicut enim si peccatis esset omnibus involutus, ita si in uno tantum maneat, aeternae vitae ianuam non intrabit⁴. Falsa etiam⁵ fith poenitentia, cum poenitens ab officio vel curiali vel negotiali non recedit,
is quod sine peccato* agi nulla ratione praevallet, aut si odium in corde gestetur, aut si offenso cuilibet⁶ non satisfiat, aut si offendenti offensus non¹ indulgeat, aut si arma quis contra iustitiam gerat.⁵

23. Eos^m autem qui religiositatis⁷ speciem simulantes, Domini corporis et sanguinis sacramentum, baptismum puerorum, sacerdotium et ceteros
20 ecclesiasticos ordines, et legitimarum damnant foedera nuptiarum, tamquam haereticos ab ecclesia Dei pellimus et damnamus, et per potestates exterarum⁰ coerceri praecipimus. Defensores quoque ipsorum eiusdem damnationis vinculo innodamus.⁶

24. Illud quoque adicientes praecipimus, ut pro chrismatis, olei sacri
25 et sepulturae acceptione nullum venditionis pretium exigatur.⁷

25. Si quis praeposituras, praebendas vel alia ecclesiastica beneficia de manu laici acceperit, indigne suscepto careat beneficio. Iuxta namque decreta sanctorum patrum, laici, quamvis religiosi sint, nullam tamen habent disponendi de ecclesiasticis facultatibus potestatem.⁸

30 * faciendae facultatem *Br*

b fratres nostros episcopos r. l. in *LC Hrd Cl Mâ* c commonemus *Br*

d decipiant *Br* e de *Br* i offendant *Br* g sicut... intrabit *om, Br*

h est autem *Br* i peccatis *Br* < cuilibet offenso *Br* i non offendenti offensus *Br*
m hos *Br* n religionis *Br et v. l. in Rrr Bn2 ER*

35 ° ceteras *Br et r. l. in Rjn Bn2 ER* fortasse terrenas

¹ Cone. Claromontanum (1130), c. 13 partim (Msi 21,440); conc. Remense (1131), c. 17 partim (Msi 21,462); c. 32 C. XXIII q. 8 partim (Fr 1,965).

² Conc. Melfitanum (1089), c. 14 (Msi 20,724); c. 1 D. LVI sub nomine Urbani papae II (Fr 1,219).

³ Confratres ... gerat: c. 8 D. V *depoen.* (Fr 1,1242). < Ic 2,10.

* Conc. Melfitanum (1089), c. 16 (Msi 20,724).

⁴ Conc. Tolosanum (1119), c. 3 (Msi 21,226-227); cf. R. Manselli, *Bullettino dell'Ist. Stor. Ital. per il Medio Evo* 65 (1953) 30 et n. 1; A. Borst, *Die Katharer* (Schriften der MGH 12), Stuttgart 1953, 115 n. 21; cf. etiam A. Frugoni, *Arnaldo da Brescia nelle fonti del secolo XII*,

⁵ Cone. Tolosanum (1119), c. 9 (Msi 21,227).

⁶ Cf. cone. Lat. I, c. 8 (v. supra p. 191); cf. etiam ps.-Isid., Steph. 12 (Hinschius 186).

20. As is right, we do not deny to kings and princes the power to dispense justice, in consultation with the archbishops and bishops.¹²

21. We decree that sons of priests are to be removed from the ministries of the sacred altar unless they are living religiously in monasteries or canonries?

22. Because there is one thing that conspicuously causes great disturbance to holy church, namely, false penance, we warn³ our brothers in the episcopate and priests not to allow the souls of the laity to be deceived or dragged off to hell by false penances. It is agreed that a penance is false when many sins are disregarded and a penance is performed for one only, or when it is done for one sin in such a way that the penitent does not renounce another. Thus it is written: *Whoever keeps the whole law but fails in one point, has become guilty of all of it*⁴; this evidently pertains to eternal life. Therefore, just as a person who is entangled in all sins will not enter the gate of eternal life, so also if a person remains in one sin⁸. False penance also occurs when the penitent does not resign a position at a court or in business which cannot be carried on without sin, or if hate is harboured in his heart, or if the person does not make amends to whomever he offended, or if an injured party does not pardon the offender, or if anyone unjustly carries arms.⁵

23. Those who, simulating a kind of religiosity, condemn the sacrament of the Lord's body and blood, the baptism of children, the priesthood and other ecclesiastical orders, and legitimate marriages, we expel from the church of God and condemn as heretics, and prescribe that they be constrained by the secular powers. We also bind up their defenders in the fetter of the same condemnation.⁶

24. We also prescribe that no sale-price is to be demanded for chrism, holy oil and burials.⁷

25. If anyone receives provostships, prebends or other ecclesiastical benefices from the hand of a lay person, let him be deprived of the benefice unworthily received. For the decrees of the holy fathers state that lay people, no matter how devout they may be, have no power of disposal over ecclesiastical property.⁵

g Therefore ... sin omitted in Br

¹ Council of Clermont (1130), canon 13 in part (Msi 21, 440); council of Rheims (1131), canon 17 in part (Msi 21, 462); ch. 32 C. XXIII q. 8 in part (Fr 1, 965).

² Council of Melfi (1089), canon 14 (Msi 20, 724); ch. 1 D. LVI under the name of pope Urban II (Fr 1, 219).

⁵ we warn ... arms: ch. 8 D. V on pen. (Fr 1, 1242). ⁴ Jas 2, 10.

⁵ Council of Melfi (1089), canon 16 (Msi 20, 724).

⁶ Council of Toulouse (1119), canon 3 (Msi 21, 226-227); see R. Manselli, *Bullettino dell'Ist. Stor. Ital. per il Medio Evo* 65 (1953) 30 and n. 1; A. Borst, *Die Katbarer* (Schriften der MGH 12), Stuttgart 1953, 115 n. 21; see also A. Frugoni, *Amaldo da Brescia nelle fonti del secolo XII*, Rome 1954, 21-22.

⁷ Council of Toulouse (1119), canon 9 (Msi 21, 227).

⁸ See Lateran council I, canon 8 (see above p. 191); see also pseudo-Isidore, Stephen 12 (Hinschius 186).

26. Ad haec perniciosam et detestabilem consuetudinem quarundam mulierum, quae licet neque secundum regulam beati Benedicti neque Basili aut Augustini vivant, sanctimoniales tamen vulgo censeri desiderant, aboleri decernimus¹. Cum enim, iuxta regulam degentes in coenobiis, tam in ecclesia quam in refectorio atque dormitorio communiter 5 esse debeant, propria sibi aedificant receptacula et privata domicilia, in quibus sub hospitalitatis velamine passim hospites et minus religiosos contra sacros canones^b et bonos mores suscipere nullatenus erubescunt. Quia ergo omnis qui male agit odit lucem, ac per hoc ipsae, absconditae in iustorum tabernaculo, opinantur se posse latere oculos ludicis cuncta 10 cementis, hoc tam inhonestum detestandumque flagitium, ne ulterius fiat, omnimodis prohibemus et sub poena anathematis interdicimus.¹

27. Similiter modum prohibemus, nec sanctimoniales simul cum canonicis vel monachis in ecclesia in uno choro convenient ad psallendum.²

28. Obeuntibus sane episcopis, quoniam ultra tres menses vacare 15 ecclesias^a prohibent patrum^l* sanctiones, sub anathemate interdicimus, ne canonici de sede episcopali ab electione episcoporum excludant religiosos viros, sed eorum consilio honesta et idonea persona in episcopum eligatur. Quod si exclusis eisdem religiosis electio fuerit celebrata, quod absque eorum assensu et convenientia* factum fuerit, irritum habeatur et vacuum.³ 20

29. Artem autem illam mortiferam et k Deo odibilem ballistariorum^l et sagittariorum, adversus Christianos et catholicos exerceri de cetero sub anathemate prohibemus.⁴

30. Ad haecTM ordinationes factas a Petro Leonis et aliis schismaticis et haereticis evacuamus et irritas esse censemus.³ 25

1 decrevimus *Br* b *Br* c justorum p. l. *Rm Br* 2 iniustorum *rell*.
d similiter *Br* c ut *Br* f sive *Br* g ecclesiam *Br*
b patrum prohibent *Br* › conniventia *Br* k om. *Rm Br*
l balistaliorum *Br* m hoc *MD* « am. *MD*

1 c. 25 C XV ni q. 2 partim (Fr 1,836).

1 c. 25 G XV III q. 2 partim (Fr 1,836).

1 c. 35 D. LXIII (Fr. 1, 247); atque etiam Gerhohus praepositus Reichersbergensis, *Liber de notitibus huius temporis*, in MGH *Libelli*, III 290; *Dialogus de pontificatu sanctae Romanae ecclesiae*, ed. H. Boehmer, ibid., 534. Cf. G. Schreiber, *Kirche und Kloster im 12. Jahrhundert*, I Stuttgart 1910, 163.

4 c. 1 X. V 15 sub nomine Innocentii papae III (Fr2, 805).

* Cf. conc. Pisanum (1135), c. 7 (MGH *Constit.*, I 579); cf. etiam, inter alia, conc. Lat. I, c. 5 (v. supra p. 190), atque *Annales Herbipolenses*, ed. G. H. Pertz, in MGH *Script.*, XVI 2; *Annales Seligenstadenses*, ed. L. Bethmann, in MGH *Script.*, XVII 32; *Historia Mauriniacensis monasterii*, in MGH *Script.*, XXVI 44-45; Ottonis Frisingensis *Chronicon*, ed. R. Wilmans, in MGH *Script.*, XX 261; *Chronicon Urspergtense*, in MGH *Script.*, XXIII 344 (de quibus cf. P. SchetTer-Boichorst, *Über die sogenannten Annalen von Seligenstadt und verwandte Quellen*, Forschungen zur deutschen Geschichte 9 [1869] 395, at v. Bernhadi 157 n. 15).

26. We decree that the pernicious and detestable custom which has spread among some women who, although they live neither according to the rule of blessed Benedict, nor Basil nor Augustine, yet wish to be thought of by everyone as nuns, is to be abolished. For when, living according to the rule in monasteries, they ought to be in church or in the refectory or dormitory in common, they build for themselves their own retreats and private dwelling-places where, under the guise of hospitality, indiscriminately and without any shame they receive guests and secular persons contrary to the sacred canons and good morals. Because everyone who does evil hates the light, these women think that, hidden in the tabernacle of the just⁶, they can conceal themselves from the eyes of the Judge who sees everything; so we prohibit in every way this unrighteous, hateful and disgraceful conduct and forbid it to continue under pain of anathema.¹

27. In the same way, we prohibit nuns to come together with canons or monks in choir for the singing of the office.²³

28. Since the decrees of the fathers prohibit churches to be left vacant for more than three months, we forbid under anathema the canons of the episcopal see to exclude religious men from the election following on the death of the bishop; but let a virtuous and suitable person be elected as bishop with their advice. Because if an election is held with these religious persons excluded, where this is done without their knowledge and consent, it is null and void.⁵

29. We prohibit under anathema that murderous art of crossbowmen and archers, which is hateful to God, to be employed against Christians and Catholics from now on.⁴

30. We render void the ordinances enacted by Peter Leoni and other schismatics and heretics, and deem them null.⁵

c of the just *variant reading in Rm Bn2*, of the unjust *others*

¹ ch. 25 C. XVIII q. 2 in part (Fr 1, 836).

² ch. 25 C. XVIII q. 2 in part (Fr 1, 836).

³ ch. 35 D. LXIII (Fr 1, 247); and Gerhoh, provost of Reichersberg, *Liber de novitatibus huius tempons*, in MGH *Libelli*, III 290; *Dialogus de pontificatu sanctae Romanae ecclesiae*, ed. H. Boehmer, *ibid.*, 534. See G. Schreiber, *Kurie und Kloster im 12. Jahrhundert*, I Stuttgart 1910, 163.

⁴ ch. 1, *Decretals*, V 15 under the name of pope Innocent III (Fr 2, 805).

⁵ See council of Pisa (1135), canon 7 (MGH *Constit.*, I 579); see also, among others, Lateran council I, canon 5 (see above p. 190), and *Annales Herbipolenses*, ed. G.H. Pertz, in MGH *Script.*, XVI 2; *Annales Seligenstadenses*, ed. L. Bethmann, in MGH *Script.*, XVII 32; *Historia Maunniacensis monasterii*, in MGH *Script.*, XXVI 44-45; Otto of Freising, *Chronicon*, ed. R. Wilmans, in MGH *Script.*, XX 261; *Chronicon Urspergense*, in MGH *Script.*, XXIII 344 (on these see P. Scheffer-Boichorst, *Über die sogenannten Annalen von Seligenstadt und verwandte Quellen*, *Forschungen zur deutschen Geschichte* 9 [1869] 395, and see Bernhardi 157 n. 15).

Lateran III
1179

INTRODUCTION

By an agreement reached at Venice in 1177, the bitter conflict which had arisen about twenty years earlier between Pope Alexander III (1159-1181) and Emperor Frederick I (1152-1190) was brought to an end. For when Pope Hadrian IV had died in 1159, the cardinals elected two popes together, namely Roland of Siena, who took the name of Alexander III, and Octavian of Rome, who though he was nominated by fewer cardinals, nevertheless with the support of the emperor Frederick usurped the name of Pope Victor IV. The emperor, wishing to remove everything which stood in the way of his authority in Italy, declared war upon the Italian states and especially the Roman church which, after its struggle for ecclesiastical liberty for so many years, was enjoying great authority. The emperor carried on the war for a long time. A serious schism had arisen out of this conflict, and after Victor IV two antipopes were nominated in opposition to Alexander III, namely Paschal III (1164-1168) and Callistus III (1168-1178). At last, when Alexander had gained the victory, he promised the emperor at Venice that he would summon a general council.

The particular object of this council was to put an end to the schism within the church and the quarrel between the emperor and the papacy. It was summoned by Pope Alexander in 1178, “so that according to the custom of the ancient fathers, the good should be sought and confirmed by many, and that with the cooperation of the grace of the holy Spirit, by the efforts of all, there should be carried out what was required for the correction of abuses and the establishment of what was pleasing to God”². The council was held at Rome in March 1179. About three hundred fathers assembled from the provinces of Europe and some from the Latin east⁴, and a single legate from the Greek church³. It began on 5 March, according to Archbishop William of Tyre, our chief authority⁶. The

¹ See *Pactum praevium inter imperatorem et ecclesiam*, ed. L. Weiland, in MGH *Const.*, I Hanover 1893, 364 (ch. 25).

² *Alexandri III papae epistolae et privilegia*, letter 1356 (PL 200, 1184); see also the letters of summons 1357-1358 (Jaffé 13097-13099); all are dated 21 September 1178; we also know of another letter of summons, dated 30 May 1178 (Jaffé 13070): see *Epistolae pontificum Romanorum ineditae*, ed. S. Loewenfeld, Leipzig 1855, 154-155 no. 271.

³ See DThC 8/2 (1925) 2645.

⁴ There are two lists of signatures, though they are not complete; see L. D'Achery, *Spicilegium*, XII Paris 1675, 638-651 (Msi 22, 213-217, 239-240), and Msi 2 (1748) 691-700 (Msi 22, 458-468); see Tangl, *Die Teilnehmer ...*, 210-219; Rousset de Pina 159 and n. 2.

⁵ See especially P. Lamma, *Comment e Staufer. Ricerche sul rapporto tra Bisanzio e l'Occidente nel secolo XII*, II Rome 1957, 300-301.

⁶ See William of Tyre, *Historia rerum in partibus transmarinis gestarum* XXI, 26, Recueil des historiens des Croisades, Historiens Occidentaux, I Paris 1844, 1049 (PL 201, 842; *A History of Deeds done beyond the Sea*, trans. E. Babcock and A. Krey, Columbia University Records of Civilization 35, II New York 1943, 436-438).

bishops first heard Rutinus, bishop of Assisi, who in a highly polished address praised the Roman pontiff and the Roman church, “that church to which alone belongs the decision and power to summon a general council, to lay down new canons and cancel the old; indeed, though the fathers had summoned a solemn council many times in the past, yet the obligation and reason to do this was never more expedient than at the present”⁷.

We do not have the same reasons for doubting the ecumenical nature of this council as we have for Lateran I and II⁸. For, the way in which the council was summoned and conducted by the pope, and the number of fathers who gathered from the whole Latin world and devoted their efforts to strengthening the unity of the church and condemning heretics, resemble rather the ancient councils than Lateran I and II and exemplify the typical council of the Middle Ages presided over by the Roman pontiff⁹. For this reason it is not surprising that chronicles of the period frequently refer to this council as Lateran I.

Although we do not possess the acts of the council, we have evidence from chronicles and annals¹⁰ and especially from the canons which the fathers laid down in the final session on 19 March¹¹. Accordingly, to avoid future schisms it was first laid down that nobody was to be regarded as Roman pontiff unless he had been elected by two thirds of the cardinals (canon 1); all appointments by antipopes were deemed invalid (canon 2); heretics called Cathars were excommunicated¹²; and likewise were the bands of mercenaries, or rather criminals, which were causing utter destruction in some parts of Europe; it was declared, and this seems an innovation, that arms should be taken up against them (canon 27)¹³; it was also decided not to pass judgment about the preaching of the Waldensians¹⁴. All this seems to have been directed to strengthening the unity of the church¹⁵. In addition, Alexander III and the fathers, renewing the precedent of Lateran I and II, laid down several canons for the reform of the church and some concerning morals and civil affairs.

G. Morin, *Le discours d'ouverture du concile général de Latran (1179) et l'oeuvre littéraire de maître Rufin, évêque d'Assise*, Atri della Ponrif. Accad. Romana di archeologia, Ser. III, Mcmorie 2 (1928) 117, and see also 113-121.

^b See above pp. 187 and 195.

⁹ See Hauck, *Die Reception ...*, 468; Tangl 196, 211; Rousset de Pina 158-159; Fransen, in *Le concile*, 127.

¹⁰ See among others Rousset de Pina 156 n. 4.

¹¹ See Rousset de Pina 161-173; concerning the days on which sessions were held, see DThC 8/2 (1925) 2645-2646.

¹² See among others A. Borst, *Die Katharer*, Stuttgart 1953, 115 and also 10, 241, 247, 250.

¹³ See among others H. Pissard, *La guerre sainte en pays chrétien. Essai sur l'origine et le développement des théories canoniques*, Paris 1912, 27-34.

¹⁴ See especially Walter Map, *Ne Nugis Curialium (Courtiers' Trifles)*, I, 31, edd. and trans. M. James, C. Brooke and R. Mynors, Oxford 1983, 125-129; see P. Pouzet, *Les origines lyonnaises de la secte des Vaudois*, *Revue d'histoire de l'église de France* 22 (1936) 10-16; G. Gonnet, *Il Valdismo medioevale*, *Tone Pellice* 1942, 25-27; R. Manselli, *Studi sulle eresie del secolo XII*, Rome 1953, 84-87.

¹⁵ See also canons 24 and 26 on Jews and Saracens.

The canons of this council played a notable part in the future government of the church¹⁶. They were frequently included in the collections of decretals compiled in the late 12th and early 13th century, and afterwards all were inserted into Pope Gregory IX's *Decretals*. Walter Holtzmann and other scholars considered that these decretal collections in fact arose from this Lateran council and its canons¹⁷. Certainly the canons, unlike those of Lateran I and II and many preceding councils, appear to have been worked out by an excellent legal mind, so that it is probable they were composed under the authority of Alexander III himself, who was an expert lawyer. The canons, except for those which refer to Lateran II or the council of Rheims in 1148 (sec canons 2, 11, 20-22) or to Gratian's *Decrees* (sec canons 1-4, 7, 11, 13-14, 17-18), are new and original.

The tradition of the canons has not yet been adequately examined and remains very uncertain. Many manuscript codices survive for this council (in contrast to Lateran I and II). However, they do not seem to give us the version of the canons which was confirmed by ecclesiastical authority and which Archbishop William of Tyre, with the authority of the fathers, had himself drawn up¹⁸. Frequently the canons are to be found in chronicles and decretal collections. They are included in four contemporary English chronicles: those of Abbot Benedict of Peterborough¹⁹, Gervase of Canterbury²⁰, William of Newburgh²¹, and Roger of Hoveden²². And in the following collections of decretals²³: the collection called the Appendix of the Lateran council²⁴, the collections of

¹⁶ See however PL 205, 235 C.

¹⁷ See especially W. Holtzmann, *Collectio Eberbacensis*, Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Kanon. Abt. 17 (1928) 550-551; idem, *Die Register Papst Alexander III in den Händen der Kanonisten*, Quellen und Forschungen aus italienischen Archiven und Bibliotheken 30 (1940) 16-17, and Congrès de droit canonique médiéval, Louvain et Bruxelles, 22-26 juillet 1958, Louvain 1959, 7. On the collections of decretals, see especially W. Holtzmann, *Über eine Ausgabe der päpstlichen Dekretalen des 12. Jahrhunderts*, Nachrichten der Akad. der Wissensch. in Göttingen (1945) 15-36 (= Holtzmann); S. Kuttner, *Notes on a Projected Corpus of the Twelfth-Century Decretal Letters*, Traditio 6 (1948) 345-351; W. Holtzmann, in *Papal Decretals Relating to the Diocese of Lincoln in the Twelfth Century*, by W. Holtzmann and E. Kemp (Publications of the Lincoln Record Society 47), Hereford 1954, IX-XVII; idem, *Kanonistische Ergänzungen zur Italia pontificia*, Quellen und Forschungen aus italienischen Archiven und Bibliotheken 37 (1957) 56-57 (= Holtzmann II).

¹⁸ See William of Tyre, *Historia ...*, 1051 (PL 201, 842; trans. Babcock II 438).

¹⁹ See *Gesta regis Henrici secundi Benedicti abbatis ...*, ed. W. Stubbs (Rolls Series 49/1), I London 1867, 222-238.

²⁰ See *The Historical Works of Gervase of Canterbury*, ed. W. Stubbs (Rolls Series 73/1), I London 1879, 278-292.

²¹ See *Chronicles of the Reigns of Stephen, Henry II, and Richard I*, ed. R. Howlett (Rolls Series 82/1), I London 1884, 206-223.

²² See *Chronica magistri Rogeri de Hovedene*, ed. W. Stubbs (Rolls Series 51/2), II London 1869, 173-189; the canons which were printed by Msi 2 (1748) 687-690 (Msi 22, 455-458) from the anonymous Zwetla history of the Roman pontiffs, appear to be rubrics.

²³ See the list of collections in Holtzmann 21-24, Holtzmann II 58-63.

²⁴ See J. von Schulte, *Zur Geschichte der Literatur über das Dekret Gratians, II. Beitrag*, Sitzungsber. Ak. Wien 64 (1870) 139-140 (= Schulte II. Beitr.); idem, *Beitrag zur Geschichte des canonischen Rechts von Gratian bis auf Bernhard von Pavia*, *ibid.* 72 (1872) 486, 500, 514-515 (= Schulte); E. Friedberg, *Die Kanones-Sammlungen zwischen Gratian und Bern-*

Bamberr\ Berlin I\ Canterbury I-II27, Kassel28, Cheltenham2', Claudian50, Cotton3\ Dertosa32, Douai33, Durham34, Eberbach35, Erlangen36, Florian3, Klostemeuberg38, Leipzig39, Oriel II40, Paris I1, Peterhouse42'

bard von Pivta, Leipzig 1897, 63-65. 67, 71-72 (= Friedberg); F. Heyer, *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Kanon. Abt.*, 3 (1913) 625-627 (= Heyer); J. Juncker, *Die Collectio Berobnensis*, . . . ibid. 13 (1924) 408 (= Juncker); W. Holtzmann, *Die Register Papst Alexanders III ...»* op. cit., 18-19; see also S. Kuttner, *Repertorium der Kanonistik (1140-1234)* (Studie testi 71), I Vatican Gty 1937, 290-291 (= Kuttner); Holtzmann 23 no. 28; Holtzmann II 61.

■ See Schulte IL Beitr., 139-140; Schulte 494, 495, 514-515; Friedberg 87, 114-115; Heyer 631; Juncker 306-307, 321; W. Holtzmann, *Die Register Papst Alexanders III* . . . op. cit., 54; W. Deeters, *Die Bambergensisgruppe der Dekretalsammlungen des 12. Jahrhunderts* (Dissertation), Bonn 1956, 43, 315-323 (= Deeters); see also Kuttner 292; Holtzmann 23 no. 30; Holtzmann II 61.

2b See Heyer 622; Juncker 288-289, 306-307, 321 ff., 348 ff., 408; see also Kuttner 278; Holtzmann 22 no. S; Holtzmann II 59.

27 See G. Warner and J. Gilson, *Catalogue of Western Manuscripts in the Old Royal and Kings Collections** I London 1921» 312; see also Kuttner 282; Holtzmann 22 no. 14; Holtzmann II 59.

25 See *Corpus iuris canonici*. ed. I. H. Böhmer, Halle 1747, XXIV; Schulte IL Beitr. 139-140; Schulte 493, 514-515; Friedberg 130; Juncker 408-409; Deeters 43, 315-323; see also Kuttner 293; Holtzmann 23 no. 33; Holtzmann II 62.

See E. Seckel, *Über drei Canones-Sammlungen des ausgehenden 12. Jahrhunderts in englischen Handschriften*, Neues Archiv 25 (1899-1900) 526» 531 n. 4; Heyer 636; Kuttner 298; see also Holtzmann 22 no. 24; Holtzmann II 60.

33 See Kuttner 279 (Cotton I); see also Holtzmann 22 no. 20; Holtzmann II 60.

31 See K. Hampe, *Reise nach England von Juli 189) bis Februar 1896** Neues Archiv 22 (1896-1897) 388 n. 1; Heyer 635; see also Kuttner 297 (Cotton II); Holtzmann 22 no. 25; Holtzmann II 60.

32 See W. Holtzmann» *Beiträge zu den Dekretalsammlungen des zwölften Jahrhunderts** Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Kanon. Abt. 16 (1927) 40; see also Kuttner 279; Holtzmann 21 no. 1; Holtzmann II 58.

" See Kuttner 279; see also Holtzmann 22 no. 11; Holtzmann II 59.

u See Kuttner 281; see also Holtzmann 22 no. 16; Holtzmann II 60.

35 See Holtzmann, *Collectio Eberbacensis ...»* 551, 555; see also Kuttner 281; Holtzmann 21 no. 2; Holtzmann II 58. ■ I

36 See Deeters 43, 315-323; see also Kuttner 294; Holtzmann 23 no. 31; Holtzmann II 62.

37 See Kuttner 281; see also Holtzmann 22 no. 9; Holtzmann II 59.

25 See F. Schönsteiner, *Die Collectio Claustro-neoburgensis** Jahrbuch des Stiftes Klosterneuburg2 (1909) 1-154; Heyer 622; Juncker 408; H-E. Lohmann, *Die Collectio Wigomiensis (Collectio Londinensis Regia). Ein Beitrag zur Quellengeschichte des kanonischen Rechts im 12. Jahrhundert*, Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Kanon. Abt. 22 (1933) 44; see also Kuttner 278; Holtzmann 22 no. 23; Holtzmann II 60.

59 See Schulte 491, 514-515; *Quinque compilationes antiquae ...»* ed. E. Friedberg, Leipzig 1882, 189; Friedberg 115 ff., Juncker 307, 322-324, 408; Deeters 43, 315-323; see also Kuttner 292-293; Holtzmann 23 no. 32; Holtzmann II 62.

40 See Kuttner 295; see also Holtzmann 23 no. 29; Holtzmann II 61.

41 See Friedberg 46, 52-63; Heyer 621; Juncker 297, 300, 408; see also Kuttner 286; Holtzmann 22 no. 6; Holtzmann II 59. I

42 See W. Holtzmann. *Zum Prozess der Äbtissin Mathia von S. Maria in Capua*. Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Kanon. Abt. 27 (1938) 302; see also Holtzmann 22 no. 26; Holtzmann II 60.

Rochester⁴³ Sangerman⁴⁴, and Tanner⁴⁵; and there are a considerable number of collections still to be examined⁴⁶. The canons are also contained in the book called “Rommersdorfer Briefbuch”⁴⁷, the Cartulary of Rievaulx⁴⁸ and the codices Florence Rice. 288 (Day-book)⁴⁹ Innsbruck Univ. 90 (Gratian’s Decrees)⁵⁰ and (which seem to have been unnoticed hitherto) Vatican Regin. lat. 596S⁵¹, 12th century (fos. 6v-8v), and 9845253⁵² 12th century (fos. 2r-7v)⁵³. We can say for certain that the canons of the council were spread abroad through the whole Latin church, and were of great weight in its concerns and transactions⁵⁴.

The first printed edition was made by Cr (2,1551,836-843). He edited, from a manuscript now lost or unknown, the whole collection known as the Appendix of the Lateran council, which is divided into fifty parts; all 27 canons of Lateran III are in the first part. This text was copied by Su (3,1567,626-633) and Bn (3, 1606, 1345-1350), though Su introduced some errors. Bn, who was the first to give the name “Appendix of the Lateran council” to the collection, added some variant readings and rubrics which he had found in the chronicle of Roger of Hoveden. The Roman editors (Rm 4, 1612, 27-33), using also the manuscript codex of Antonio Augustine of Tarragona, produced a more accurate text⁵⁵ and

⁴³ See W. Holtzmann, *Papsturkunden in England*, I Berlin 1930, 141; Kuttner 282; see also Holtzmann 22 no. 15; Holtzmann II 59.

⁴⁴ See H. Singer, *Neue Beiträge Über die Dekretalensammlungen vor and nach Bernhard von Pavia*, Sitzungsber. Ak. Wien 171 (1914) 121-124; Heyer 639; Juncker 408-409; see also Kuttner 298-299; Holtzmann 23 no. 39; Holtzmann II 62.

⁴⁵ See Kuttner 294; W. Holtzmann, *Die Dekretalensammlungen des 12. Jahrhunderts. I. Die Sammlung Tanner*, Festschrift zur Feier des 200 Jahrligen Bestehens der Ak. der Wissensch. in Göttingen, Göttingen-Berlin-Heidelberg 1951, 86, 106-107; see also Holtzmann 23 no. 35; Holtzmann II 62.

⁴⁶ To these decretal collections, Herold (see below p. 210) added three others: Alcobaça (see Holtzmann II 58), Ambrosian (see Holtzmann II 59), Cusa (see Holtzmann II 59).

⁴⁷ See F. Kempf, *Das Rommersdorfer Briefbuch des 13. Jahrhunderts*, Mitteilungen des österreichischen Instituts für Geschichtsforschung, Erg.-Bd. XII/3, Innsbruck 1933, 505.

⁴⁸ See *Cartularium abbathiae de Rievalle ordinis Cisterciensis* (Publications of the Surtees Society 83), Durham 1889, 362-376.

⁴⁹ See *Le Liber censuum de Péglise romaine*, edd. P. Fabre and L. Duchesne, Paris 1910, Introd. 21, vol. II, 17-18; Deeters 382.

See F. Maassen, *Beiträge zur Geschichte der juristischen Literatur des Mittelalters, insbesondere der Decretisten-Literatur des zwölften Jahrhunderts*, Sitzungsber. Ak. Wien 24 (1857) 64; Friedberg 3; Juncker 296, 408; Kuttner 286; see also Holtzmann 21 no. 2; Holtzmann II 58.

⁵¹ See A. Luchaire, *Étude sur quelques manuscrits de Rome et de Paris*, Paris 1899, 153-154.

⁵² See *Chroniques de St-Martial de Limoges*, ed. H. Duplès-Agier, Paris 1874, VIII, LXVIII.

⁵³ To these codices Herold (see below p. 210) added two others; Brussels, Bibl. Royale, II 2532; Darmstadt, Hessische Landes- und Universitätsbibliothek, 542.

⁵⁴ The canons, as we have said, were included in the *Decretals* of Gregory IX. They were also included in the collections of Bruges (see Friedberg 137; Juncker 408-409; Kuttner 297-298; Holtzmann 23 no. 36; Holtzmann II 62-63) and of Frankfurt (See S. Kuttner, *Collectio Francofurtana*, Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Kanon. Abt. 22 (1933) 372; Holtzmann 23 no. 37; Holtzmann II 63) and in the first Compilation (see Schulte 514-515; *Quinque compilationes antiquae* ..., VIII; Juncker 408-409; Kuttner 322-344).

In the manuscript codex Vatican Lat. 6418, I (on which see S. Kuttner, *L'édition romaine des conciles généraux et les actes du premier concile de Lyon*, Rome 1940, 84) it is said of the

more variant readings. Later editions, all of which we have examined, followed the Roman text, namely: ER 27 (1644) 439-463; LC 10 (1671) 1507-1523; Hrd 6 (1714) 1673-1684; Cl 13 (1730) 416-432; Msi 22 (1778) 217-233. Bohrer, who published his edition in 1747, before Msi, is an exception. He took the canons from the Kassel collection of decretals, where the order and some readings are different⁵⁶. Finally Herold, in his unpublished Bonn dissertation of 1952⁵⁷ examined thoroughly the whole tradition and established the order of the canons; using 36 sources⁵⁸, he concluded there were 34 different traditions⁵⁹!

As things now stand, it is impossible to use all the known sources for our edition. For, these sources reveal only a limited part of the whole tradition and, what is even more important, we do not yet understand the relations between the individual traditions. Even Herold has not examined these relations sufficiently. We have therefore preferred to publish the text of a single tradition, namely that of the Appendix of the Lateran council, using Cr and Rm as the best text of this tradition and including the variant readings listed in Rm. This "Appendix" is a good text, as even Herold's text (= H) shows. We have given Herold's variant readings in the critical apparatus, and we have noted in footnotes the order in which he places the 23 canons that he includes.

BIBLIOGRAPHY: H-L 5/2 (1913) 1086-1112; DThC 8/2 (1925) 2644-2652; DDrC 6 (1957) 347-349; LThK 6 (*1961) 816; NCE 8 (1967) 406-410; HC 4 (1980) 63-66; A. Hauck, *Kirchengeschichte Deutschlands*, IV Leipzig 1903, 294-296; idem, *Die Rezeption und Umbildung der allgemeinen Synode im Mittelalter*, *Historische Vierteljahrschrift* 10 (1907) 468 ff.; F. Heyer, *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Kanon. Abt.* 3 (1913) 625-627; G. Tangl, *Die Teilnehmer an den allgemeinen Konzilien des Mittelalters*, Weimar 1922, 196-201, 210-219; W. Holtzmann, *Collectio Eberbacensis*, *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Kanon. Abt.* 17 (1928) 550-551; H-E. Lohmann, *Die Collectio Wigomiensis* ..., *ibid.* 22 (1933) 54-55; H. J. Schroeder, *Disciplinary Decrees of the General Councils*, St. Louis, Mo. — London 1937, 214-235; J. Rousset de Pina, in A. Fliche and others, *Du premier concile du Latran à l'avènement d'Innocent III*, II (*Histoire de l'église* 9/2), Paris 1953, 156-174; W.M. Plöchl, *Geschichte des Kirchenrechts*, II Vienna 1955, see p. 495; M. Pacaut, *Alexandre III. Étude sur la conception du pouvoir pontifical dans sa pensée et dans son oeuvre*, Paris 1956, 128, 261, 262, 268, 272, 281, 284, 286, 287, 292, 301; S. Kuttner, *Brief Note, Concerning the Canons of the Third Lateran Council*, *Traditio* 13 (1957) 505-506; G. Fransen, *L'ecclésiologie des conciles médiévaux*, in *Le concile*, 125-141; R. Foreville, *Latran I, II, III et Latran IV* (*Histoire des Conciles* 6), Paris 1965; M. Mollat and P. Tombeur, *Les conciles Latran I à Latran IV: Concordance, index, listes de fréquence, tables comparatives* (*Conciles oecuméniques médiévaux* 1), Louvain 1974; J. Longère (ed.), *Le troisième concile de Latran (1179). Sa place dans l'histoire*, *Communications présentées à la Table Ronde du C.N.R.S.*, le 26 avril 1980, Paris 1982.

canons of this council: "... the canons must be placed as they have been edited, and the various readings in the codex of Antonio Augustine must be considered ..." (fol. 54v); but in the table of contents we read: "... collated with the manuscript codices and with the Annals of the Englishman Roger of Hoveden" (fol. allr).

⁵⁶ See *Corpus iuris canonici*..., ed. I. Böhmer, II Halle 1747, App. 185-189; below each of the canons are the variant readings taken from Hrd. ⁵⁷ W. Herold, *Die Canones des 3. Laterankonzils (1179)*. His dissertation relies on the advice and direction of W. Holtzmann.

⁵⁸ Herold however was unaware of the Florence and two Vatican Reg. codices.

⁵⁹ See S. Kuttner, *Brief Note, Concerning the Canons of the Third Lateran Council*, *Traditio* 13 (1957) 505-506.

TEXT AND TRANSLATION

CANONES

I.1 Licet de evitanda discordia in electione summis pontificis manifesta satis a nostris praedecessoribus constituta manaverint^{2*}, tamen quia saepe post illa per improbae ambitionis audaciam gravem passa est ecclesia scissuram, nos etiam ad malum hoc evitandum, de consilio fratrum nostrorum et sacri approbatione concilii aliquid decrevimus⁰ 5 adiungendum. Statuimus igitur ut si forte, inimico homine supereminente zizania⁰³, inter cardinales de substituendo pontifice non potuerit concordia plena esse, et duabus partibus concordantibus tertia pars noluerit concordare aut sibi alium praesumpserit ordinare⁶, ille^{*} Romanus pontifex habeatur, qui a duabus partibus fuerit electus et receptus. Si 10 quis autem de tertiae partis nominatione confisus, quia rem^{*} non potest, sibi nomen episcopi usurpaverit, tam ipse quam qui eum receperint, excommunicationi subiaceant et totius sacri ordinis privatione mulctentur, ita ut viatici eis etiam, nisi tantum in ultimis, communio denegetur, et nisi resipuerint, cum Dathan et Abiron, quos terra vivos absorbit⁴, 15 accipiant portionem. Praeterea, si a paucioribus aliquis quam a duabus partibus fuerit electus ad apostolatus officium, nisi maior concordia intercesserit, nullatenus assumatur et praedictae poenae subiaceat, si humiliter noluerit abstinere. Ex hoc tamē nullum canonicis constitutionibus^{1*} et aliis ecclesiasticis¹ praeiudicium generetur, in quibus maioris 20 et senioris partis debet sententia praevalere, quia quod in eis dubium venerit, superioris poterit iudicio definiri. In Romana vero ecclesia aliquid speciale constituitur, quia non potest recursus ad superiorem haberi.⁵

2e. Quod a praedecessore nostro felix memoriae Innocentio factum 25 est⁷ innovantes, ordinationes ab Octaviano et Guidone haeresiarchis necnon et Iohanne Strumensi⁸, qui eos secutus est, factas, et ab ordinatis ab eis, irritas esse censemus, adicientes etiam ut, si qui dignitates ecclesiasticas seu beneficia per praedictos schismaticos receperunt^{"*}, careant

- 1 vitanda **H** b Romani **H** c decernimus **H** d rianiam **CE-ER, H** 30
e nominare vel ordinare v. **I. Rm** nominare **H**
^{*} absque ulla exceptione ab universa ecclesia *add. v. /.* **Rm, H**
8 de ratione esse v. **I. Rm** quae tamen glona videtur
b institutionibus **H** ^{*} ecclesiis v. **I. Rm, H**; fortasse ecclesiasticis (electionibus)
k sanioris **Cr2, LC-Mri, H** l om. **H** m acceperunt **H** 35

1 Q 1 in H.

² Cf. praesertim c. 1 conc. Romani a. 1059 sub Nicolao II papa habiti (Msi 19, 897, 907) eiusdemque bull. *In nomine Domini* (Msi 19, 903-904; MGH, *Leges in-f.*^o, II/2, 177-179); cf. etiam c. 1 D. XXIII (Fr 1 77-79).

³ Cf. Mt 13,25.

4 Cf. Dt 11,6 (atque etiam Nm 16,30-33).

⁵ c. 6 **X. I** 6 (Fr 2,51). · C. 2 in H.

⁶ Cf. conc. Lat. II c. 30 (cf. supra p. 203).

• Octavianus i. e. Victor IV antipapa (1159-1164), Guido i. e. Paschalis III antipapa (1164 ad 1168), Iohannes abbas Strumensis i. e. Callistus III antipapa (1168-1178).

CANONS

I.¹ Although clear enough decrees have been handed down by our predecessors to avoid dissension in the choice of a sovereign pontiff², nevertheless in spite of these, because through wicked and reckless ambition the church has often suffered serious division, we too, in order to avoid this evil, on the advice of our brethren and with the approval of the sacred council, have decided that some addition must be made. Therefore we decree that if by chance, through some enemy sowing tares⁵, there cannot be full agreement among the cardinals on a successor to the papacy, and though two thirds are in agreement a third party is unwilling to agree with them or presumes to appoint someone else for itself, that person shall be held as Roman pontiff who has been chosen and received by the two thirds. But if anyone trusting to his nomination by the third party assumes the name of bishop, since he cannot take the reality, both he and those who receive him are to incur excommunication and be deprived of all sacred order, so that viaticum be denied them, except at the hour of death, and unless they repent, let them receive the lot of Dathan and Abiron⁴, who were swallowed up alive by the earth. Further, if anyone is chosen to the apostolic office by less than two thirds, unless in the meantime he receives a larger support, let him in no way assume it, and let him be subject to the foresaid penalty if he is unwilling humbly to refrain. However, as a result of this decree, let no prejudice arise to the canons and other ecclesiastical constitutions according to which the decision of the greater and senior[^] part should prevail, because any doubt that can arise in them can be settled by a higher authority; whereas in the Roman church there is a special constitution, since no recourse can be had to a superior³.

2. Renewing the decision taken by our predecessor of happy memory, Innocent⁷, we decree that the ordinances made by the heresiarchs Octavian and Guido, and also by John of Struma⁸ who followed them, and by those ordained by them, are void; and furthermore that if any have received ecclesiastical dignities or benefices through the foresaid schismatics, they are to be deprived of

k sounder *Cr2*, *LC-Msi*, *H*

¹ Canon 1 in *H*.

² See especially canon 1 of the council of Rome held in 1059 under pope Nicholas II (*Msi* 19, 897, 907) and his bull *In nomine Domini* (*Msi* 19, 903-904; *MGH*, *Leges in-f.*°, II/2, 177-179); see also ch. I D. XXIII (*Fr* 1, 77-79).

³ See *Mt* 13, 25.

⁴ See *Dt* 11, 6 (and also *Nm* 16, 30-33).

⁵ ch. 6 *Decretals* 1 6 (*Fr* 2, 51). ⁶ Canon 2 in *H*.

⁷ See Lateran council II, canon 30 (see above p. 203).

⁸ Octavian was the antipope Victor IV (1159-1164), Guido was the antipope Paschal III (1164-1168), and John, abbot of Struma, was the antipope Callistus III (1168-1178).

impetratis¹. Alienationes quoque seu* invasiones, quae per eosdem schismaticos sive per laicos factae sunt de rebus ecclesiasticis, omni careant firmitate et ad ecclesiam sine omni eius onere revertantur. Si quis autem contraire praesumpserit, excommunicationi se noverit subiacere. Illos autem, qui sponte iuramentum de tenendo schismate praestiterint², a sacris ordinibus et dignitatibus decrevimus³ manere suspensos.²

3.^s Cum ind sacris ordinibus et ministeriis ecclesiasticis, et aetatis maturitas et morum gravitas et scientia litterarum sit inquirenda⁴, multo fortius haec⁵ in episcopo oportet inquiri, qui ad curam positus aliorum, io in se ipso debet ostendere qualiter alios in domo Domini oporteat conversari. Eapropter, ne quod de⁶ quibusdam ex necessitate temporis factum est, in exemplum trahatur a posteris, praesenti decreto statuimus, ut nullus in episcopum eligatur, nisi qui iam trigesimum aetatis annum egerit et de legitimo sit matrimonio natus, qui etiam vita et scientia is commendabilis demonstretur. Cum autem electus fuerit et confirmationem electionis acceperit et ecclesiasticorum bonorum⁷ administrationem habuerit, decurso tempore de consecrandis episcopis a canonibus definito, is ad quem spectant beneficia, quae habuerat, disponendi de illis liberam habeat facultatem. Inferiora etiam ministeria, utputa⁸ deatus, archidiaconatus et alia quae animarum curam habent annexam, nullus omnino suscipiat, sed nec parochialium ecclesiarum regimen, nisi qui iam vigesimum quintum aetatis⁹ annum attigerit, et qui scientia et moribus existat commendandus. Cum autem assumptus fuerit, si archidiaconus in diaconum¹⁰ et¹¹ decani¹² (et reliqui admoniti) non fuerint praefixo is a canonibus tempore in presbyteros ordinati, et ab illo removeantur officio et alii conferatur, qui et velit et possit convenienter illud implere; nec prosit illis¹³ appellationis diffugium, si forte in transgressionem¹⁴ constitutionis istius per appellationem voluerint se tueri. Hoc sane non solum de promovendis, sed de his etiam qui iam promoti sunt, si canones non 30 obsistant, praecipimus observandum. Clerici sane¹⁵ si contra formam istam quemquam elegerint, et eligendi potestate tunc privatos et ab ecclesiasticis beneficiis triennio se noverint suspensos. Dignum est enim ut, quos timor Dei a malo non revocat, ecclesiasticae saltem¹⁶ coerceat severitas disciplinae. Episcopus autem*, si cui fecerit aut fieri consenserit contra hoc*, in conferendis praedictis¹⁷ potestatem suam amittat: et per

' sive *H* b praestiterunt *H* c decernimus *H* d cunctis *add. v. l. Rm, H*
e quaerenda *H* f hoc *Cr1 Su* g de *t. l. Rm a nU.*
h honorum *Su Rm* i utpote *H* k ow. *H* l diamnem *Cr2 Su H*
m decanus *H* n eis *H* o transgressionem *H* P vero *v. l. Cr3 Su*
40 q tamen *Cr^Su* r etiam *H*
s si contra hoc fecerit aut fieri consenserit ». *l. Rm* si aut fecerit contra hoc aut consenserit fieri *H* t officiis et beneficiis *add. v. l. Rm officiis add. H*

¹ Cf. etiam *Cbronicon unirertale* anonymi Laudunensis, ed. G. Waitz, in *MGH Script.*, XXVI Hannoverae 1882, 449; Sigeberti Gemblacensis *Continuatio Aquicinciina*, ed. L. Bethmann, in *MGH Script.*, VI Hannoverae 1849, 417.

» c. 1 *X. V 8* (Fr 2, 790); cf. etiam c. 37 *CXD q.2* (Fr 1, 699).

» C. 3 in H.

them¹. Moreover alienations or seizures of ecclesiastical property, which have been made by these schismatics or by lay persons, are to lack all validity and are to return to the church without any burden to it. If anyone presumes to act against this, let him know that he is excommunicated. We decree that those who of their own accord have taken an oath to remain in schism are suspended from sacred orders and dignities.²

3? Since in holy orders and ecclesiastical ministries both maturity of age, a serious character and knowledge of letters should be required, much more should these qualities be required in a bishop, who is appointed for the care of others and ought to show in himself how others should live in the house of the Lord. Therefore, lest what has been done with regard to certain persons through the needs of the time should be taken as a precedent for the future, we declare by the present decree that no one should be chosen bishop unless he has already reached the age of thirty, been born in lawful wedlock and also is shown to be worthy by his life and learning. When he has been elected and his election has been confirmed, and he has the administration of ecclesiastical property, after the time has passed for the consecration of bishops as laid down by the canons, let the person to whom the benefices which he held belong, have the free disposition of them. Further, with regard to the inferior ministries, for instance that of dean or archdeacon, and others which have the care of souls annexed, let no one at all receive them, or even the rule of parish churches, unless he has already reached his twenty-fifth year of age, and can be approved for his learning and character. When he has been nominated, if the archdeacon is not ordained deacon, and the deans (and the rest after due warning) are not ordained priests, within the time fixed by the canons, let them be removed from that office and let it be conferred on another who is both able and willing to fulfil it properly; and let them not be allowed the evasion of recourse to an appeal, should they wish by an appeal to protect themselves against a transgression of the constitution. We order that this should be observed with regard to both past and future appointments, unless it is contrary to the canons. Certainly if clerics appoint someone contrary to this rule, let them know that they are deprived of the power of election and are suspended from ecclesiastical benefices for three years. For it is right that at least the strictness of ecclesiastical discipline should restrain those who are not recalled from evil by the fear of God. But if any bishop has acted in anyone's interest contrary to this decree, or has consented to such actions, let

¹ See also *Chronicon universale* by the anonymous writer from Laon, ed. G. Waitz, in MGH *Script.*, XXVI Hanover 1882, 449; Sigcbert of Gembloux, *Continuatio Atjuicinctina*, ed. L. Bethmann, in MGH *Script.*, VI Hanover 1849, 417.

² ch. 1 *Decretals* V 8 (Fr 2, 790); see also ch. 37 C. XII q. 2 (Fr 1, 699). ³ Canon 3 in H.

capitulum aut per metropolitanum¹, si* capitulum concordare nequiverit, ordinentur.²

4.3 Cum apostolus se et suos propriis manibus decreverit exhibendos', ut locum praedicandi auferret pseudoapostolis et illis quibus praedicabat non existeret onerosus⁴, grave nimis et emendatione tordendum dignoscitur, quod quidam fratrum et coepiscoporum nostrorum ita graves in procurationibus suis subditis existunt, ut pro huiusmodi causa' interdum ornamenta ecclesiastica subditi compellantur exponere et longi temporis victum brevis hora consumat. Quocirca statuimus, quod⁵ archiepiscopi parochias visitantes pro diversitate provinciarum et facultatibus ecclesiarum quadraginta vel quinquaginta⁶ evectionis*⁷ numerum non' excedant" ; cardinales vero viginti vel viginti quinque non excedant, episcopi viginti vel triginta* nequaquam excedant, archidiaconi* quinque autem septem, decani⁸ constituti sub ipsis duobus equis existant contenti. Nec cum canibus venatoriis et avibus⁹ proficiscantur, sed ita procedant, 15 ut non quae sunt sua sed quae Iesu Christi quaerere videantur⁵; nec sumptuosas epulas quaerant?, sed cum gratiarum actione recipiant quod honeste et⁶ competenter fuerit illis ministratum'. Prohibemus etiam ne subditos suos talliis et exactionibus episcopi gravare praesumant. Sustineamus autem pro multis necessitatibus, quae aliquoties superveniunt, ut si manifesta et rationabilis causa exstiterit, cum caritate moderatum ab eis valeant auxilium postulare. Cum enim dicat apostolus: *Non debent parentibus filii thesaurizare sed parentes filiis*¹⁰, multum longe a paterna pietate videtur, si praepositi suis subditis' graves existant, quos in cunctis necessitatibus pastoris more fovere debent. Archidiaconi autem" sive 25 decani nullas exactiones vel tallias in presbyteros seu clericos exercere praesumant. Sane, quod de praedicto¹¹ numero evectionis secundum tolerantiam dictum est, in illis locis poterit observari, in quibus ampliores sunt redditus et ecclesiae* facultates; in pauperioribus autem locis tantam volumus teneri mensuram, ut ex accessu maiorum minores non debeantw 30

» etiamsi *H* b ac *H* c alendos r. A *Rm*

d esse *H* c ipsa add. *H* f ut *H* S quadragesimum vel quinquagesimum *H*
h evectionum r. / . *LC Cl M si* * om. *H*

* episcopi vero vicesimum vel tricesimum, cardinales veto vigesimum aut vigesimum quintum *H* 35

l vero add. *H* ra aut *Cr3 Su* vel relt. ° vero add. *H*

° Nec ... avibus] nec am. *Cr3 Su* avibus non *Cr3 Su* P requirant *H* 9 zc *H*

« nec sumptuosas ... ministratum om. *Cr1 Su* » subiectis *H*

t autem *Cr3 Su* veto nil. " praedicti *H* ' ecclesiasticae *H*

minores merito non doleant se f. / . *Rm*, *H* 40

¹ Cf. c. 36 D. LXm (Fr 1,247).

* c. 7 X. I 6 (Fr 2, 51-52); cf. G. J. Ebers, *Das Dnolutionsretbi, rornebmiich nach katholischem Kircbertncht*, Stuttgart 1906, 171-178.

* C. 6 in H.

⁴ Cf. 1 Th 2,9; 2 Th 3, 7-8; cf. etiam 2 Cor 11, 9.

» Cf. Ph 2,21.

» 2 Cor 12,14.

him lose the power of conferring the foresaid offices, and let these appointments be made by the chapter, or by the metropolitan¹ if the chapter cannot agree.^{2*}

4? Since the apostle decided that he ought to support himself and those accompanying him by his own hands, so that he might remove the opportunity of preaching from false apostles and might not be burdensome to those to whom he was preaching⁴, it is recognized that it is a very serious matter and calls for correction that some of our brethren and fellow bishops are so burdensome to their subjects in the procurations demanded that sometimes, for this reason, subjects are forced to sell church ornaments and a short hour consumes the food of many days. Therefore we decree that archbishops on their visitations of their dioceses are not to bring with them more than forty or fifty horses or other mounts, according to the differences of dioceses and ecclesiastical resources; cardinals should not exceed twenty or twenty-five, bishops are never to exceed twenty or thirty, archdeacons five or seven, and deans, as their delegates, should be satisfied with two horses. Nor should they set out with hunting dogs and birds, but they should proceed in such a way that they are seen to be seeking not their own but the things of Jesus Christ⁵. Let them not seek rich banquets but let them receive with thanksgiving what is duly and suitably provided^r. We also forbid bishops to burden their subjects with taxes and impositions. But we allow them, for the many needs which sometimes come upon them, if the cause be clear and reasonable, to ask for assistance moderated by charity. For since the apostle says *children ought not to lay up for their parents, but parents for their children*⁶, it seems to be far removed from paternal affection if superiors are burdensome to their subjects, when like a shepherd they ought to cherish them in all their needs. Archdeacons or deans should not presume to impose charges or taxes on priests or clerics. Indeed, what has been said above by way of permission about the number of horses may be observed in those places where there are greater resources or revenues, but in poorer places we wish measure so to be observed that the visit of greater personages should not be a burden to the

^r Let them not ... provided *omitted in Cr2 Su*

¹ Seech. 36 D. LXIII (Fr 1, 247).

² ch. 7 *De aetate* l 6 (Fr 2, 51-52); see G. J. Ebers, *Das Devolutionsrecht, vomehmhch nach katholischem Kirchenrecht*, Stuttgart 1906, 171-178.

³ Canon 6 in H.

⁴ See 1 Th 2, 9; 2 Th 3, 7-8; see also 2 Cor 11,9.

⁵ See Ph 2,21.

⁶ 2 Cor 12, 14.

gravari, ne sub tali indulgentia illi, qui paucioribus equis uti solebant hactenus, plurimam·l*sibi credant potestatem indultam.l

5.8 Episcopus sib aliquem sine certo titulo, de quo necessaria vitae percipiar, in diaconum' vel presbyterum ordinaverit, tamdiu necessaria s ei subministret, donec in aliqua eia ecclesia convenientia stipendia militiae clericalis assignet; nisi forte talis' qui ordinaturi exstiterit, qui de sua vel paterna hereditate subsidium vitae possit habere.3

6? Reprehensibilis valde consuetudo in quibusdam partibus inolevit, uts fratres et coepiscopi nostri seu etiam archidiaconi, quosh appellaturos io in causis suis existimant, nulla penitus admonitione praemissa, suspensionis vel' excommunicationis in eos ferant sententiam. Alii etiam, dum superioris sententiam et disciplinam canonicam reformidant, sine ullo gravamine appellationem obiciunt et ad defensionem iniquitatis usurpant, quod ad subsidiumk innocentium dignoscitur institutum. Quocirca ne is vel praelati valeant sine causa gravare subiectos vel subditi pro sua voluntate sub appellationis obtentu correctionem valeant eludere praelatorum, praesenti decreto statuimus, ut nec praelati, nisi canonica commonitione praemissa, suspensionis vel excommunicationis sententiam proferant in subiectos, nisi forte talis sit culpa, quae ipso genere suo 20 excommunicationisl poenam inducat; nec subiecti contra disciplinam ecclesiasticam ante ingressum causae in vocem appellationis prorumpant"l. Si vero quisquam pro sua necessitate crediderit appellandum, competens ei ad prosequendam appellationem terminus praefigatur, infra quem, si forte prosequi" neglexerit, libere tunc episcopus sua auctoritate utatur. 25 Si autem in quocumque negotio aliquis appellaverit et eo qui appellatus fuerit veniente, qui appellaverit venire neglexerit, si proprium quid habuit0, competentem ei? recompensationem faciat expensarum, ut hoc saltem timore perterritusq, in gravamen alterius non facile quis appellet. Praecipue vero in locis' religiosis hoc volumus observari, ne monachi 30 sive quicumque religiosi, cum pro aliquo excessu fuerint corrigendi, contra regularem praelati sui et capituli disciplinam appellare praesumant, sed humiliter ac devote suscipiant, quod pro salute sua utiliteri eis fuerit iniunctum',5

7.4 Cum in ecclesiae corpore omnia debeant ex caritate tractari et quod « gratis receptum est gratis" impendi, horribile nimis est, quod in quibus-

* pluriutn *H* b praeterea si episcopus *H* c diaconem *H*
d eidem in- aliqua *H* ' sit *aid.* *H* f ordinatus *H*
8 cum *aid.* *H* h quosdam *H* › seu *H* t praesidium *H*
l suspensionis vd excommunicationis *r.* m crumpant *H* n persequi *Cr3 Su*
« o habuerit *H* p illi *H* q deterritus *H* ' om. *v.l.Rjn* s ow. *H*
' sua sciant iis iniunctum *v.l. Rm* “ debeat «*U H*

l c. 6 *X.* III 39 (Fr 2, 623); cf. etiam c. 3 *D.* XCIV (Fr 1,331) et c. 8 *C.* X q. 3 (Fr 1, 625-626); G. Schreiber, *Kuril und Kloster im 12. Jahrhundert*, Stuttgart 1910, l 226, 242; II 171-173, 176.

l *C.* 5, II in *H.* l c. 4 'Y. III 5 (Fr 2, 465); cf. conc. Chalc. c. 6 (cf. supra p. 90>).

‘ *C.* 12 m *H.* » c. 26 *X.* II 28 (Fr 2, 418-419). · *C.* 4 in *H.*

humbler, lest by such a grant those who were accustomed to use fewer horses should think that the widest powers have been granted to them.'

5. ' If a bishop ordains someone as deacon or priest without a definite title from which he may draw the necessities of life, let the bishop provide him with what he needs until he shall assign him the suitable wages of clerical service in some church, unless it happens that the person ordained is in such a position that he can find the support of life from his own or family inheritance?

6? A most reprehensible custom has become established in certain places whereby our brethren and fellow bishops and even archdeacons have passed sentence of excommunication or suspension, without any previous admonition, on those who they think will lodge an appeal. Others too, while they fear the sentence and canonical discipline of a superior, lodge an appeal without any real grounds and thus make use of a means ordained for the help of the innocent as a defence of their own wrongdoing. Therefore to prevent prelates burdening their own subjects without reason, or subjects at their will being able to escape the correction of prelates under cover of an appeal, we lay down by this present decree that prelates should not pass sentence of suspension or excommunication without a previous canonical warning, unless the fault is such that by its nature it incurs the penalty of excommunication¹ and that subjects should not recklessly have recourse to an appeal, contrary to ecclesiastical discipline, before the introduction of their case. But if anyone believes that because of his own need he should make an appeal, let a proper limit be fixed for his making it, and if it happens that he fails to do so within this limit, let the bishop freely use his own authority. If in any business someone makes an appeal, but fails to appear when the defendant has arrived, let him make a proper repayment of the defendant's expenses, if he is in a position to do so; in this way, at least by fear, a person may be deterred from lightly making an appeal to the injury of another. But we wish that in religious houses especially this should be observed, namely that monks or other religious, when they are to be corrected for any fault, should not presume to appeal against the regular discipline of their superior or chapter, but they should humbly and devoutly submit to what is usefully enjoined them for their salvation?

7? Since in the body of the church everything should be treated with a spirit of charity, and what has been freely received should be freely given, it is utterly

suspension or excommunication *variant reading in Rm, H*

¹ ch. 6 *Decretals* III 39 (Fr 2, 623); see also ch. 3 D. XCIV (Fr 1,331) and ch. 8 C. X q. 3 (Fr 1, 625-626); G. Schreiber, *Kurie tmd Kloster im 12. Jahrhundert*, Stuttgart 1910, I 226, 242; II 171-173, 176.

² Canon 5, II in H.

³ ch. 4 *Decretals* III 5 (Fr 2, 465); see council of Chalcedon, canon 6 (see above p. 90).

⁴ Canon 12 in H. ⁵ ch. 26 *Decretals* II 28 (Fr 2, 418-419). ⁶ Canon 4 in H.

dam ecclesiis locum venalitas perhibetur habere ita, ut pro episcopis vel abbatibus seu* quibuscumque personis ecclesiasticis ponendis in sede seu introducendis presbyteris in ecclesiam necnon pro sepulturis et exsequiis mortuorum et benedictionibus nubentium seu aliis sacramentis⁶ aliquid exigaturi, et ille qui indiget non possit ista percipere, nisi manum implere curaverit largitoris. Putant^d plures ex hoc sibi licere, quia legem moris' de longa invaluisse consuetudine arbitrantur, non satis, quia cupiditate caecati sunt, attendentes, quod tanto graviora sunt crimina quanto diutius animam infelicem tenuerint alligatam. Ne igitur hoc de cetero fiat et vel pro personis ecclesiasticis deducendis ad sedem vel sacerdotibus instituendis aut mortuis sepeliendis seu etiam nubentibus benedicendis seu etiam* aliis sacramentis aliquid exigatur, districtius inhibemus. Si quis autem contra hoc venire praesumpserit, portionem cum Giezi¹ se noverit habiturum, cuius factum turpis muneris exactione imitatur². Prohibemus insuper, ne novi census ab episcopis vel abbatibus aliisve praelatis imponantur ecclesiis nec veteres augeantur nec partem reddituum suis usibus appropriate praesumant, sed libertates, quas[®] sibi maiores desiderant conservari, minoribus quoque suis bona voluntate conservent. Si quis autem aliter egerit, irritum quod fecerit habeatur.³

8.4 Nulla ecclesiastica ministeria seu etiam beneficia vel ecclesiae alicui tribuantur seu promittantur antequam vacent, ne desiderare quis mortem proximi⁰ videatur, in cuius locum et beneficium se crediderit* successurum. Cum enim id etiam in ipsis gentilium legibus invenitur prohibitum^{1*}, turpe nimis est et divini plenum animadversione iudicii, si locum in Dei ecclesia futurae successionis expectatio habeat, quam etiam damnare¹ ipsi gentiles homines curaverunt. Cum vero praebendas ecclesiasticas¹¹¹ seu quaelibet officia in aliqua ecclesia vacare contigerit vel etiam si modo vacant, non diu maneant in suspenso, sed infra sex menses personis, quae digne administrare valeant, conferantur. Si autem episcopus, ubi ad eum⁰ spectaverit⁰, conferre distulerit, per capitulum ordinetur. Quod si ad capitulum electio pertinuerit et infra praedictum^P terminum*¹ hoc non fecerit, episcopus hoc secundum Deum cum virorum religiosorum consilio exsequatur aut, si omnes forte neglexerint, metropolitanus de ipsis secundum Deum absque illorum contradictione disponat.⁵

9.® Cum et plantare sacram religionem et plantatam fovere modis omnibus debeamus, numquam hoc melius exsequemur', quam si nutrire³ quae recta sunt et corrigere¹ quae profectum veritatis* impediunt,

a pro *aid.* **H** b ecclesiasticis *add.* **H** c requiratur **H** d autem *add.* **H**
e moris *con. Cr3 (et pestea Hrd)* mortis *nil.* f *ont.* **H** g libertatem quam /7
h \$ui *pj* i Credidit *Cr3 Su* k inhibitum **H** l condemnare **H**
m ecclesias **H** n ad quem **H** o sine rationabili causa *add.* **H** P praescriptum **H**
A similiter *add.* **H** r exsequimur **H** » ea *add.* **H** t virtutis **H**

⁶ Cf. 4 Rg 5,20-27. « c. 9 **X.** V 3 (Fr 2,751); cf. etiam c 100 C. I q. 1 (Fr 1,398).

⁷ c. 7 **X.** III 39 (Fr 2,623). « G 5,1 in H.

* c. 2 **X.** III 8 (Fr 2, 488); cf. G. J. Ebers, *Das Devolutionsncht, scrntirtlich nach kaiboliscbem Kirtbenncht*, Stuttgart 1906,171-178. · C 8 in H.

disgraceful that in certain churches trafficking is said to have a place, so that a charge is made for the enthroning of bishops, abbots or ecclesiastical persons, for the installation of priests in a church, for burials and funerals, for the blessing of weddings or for other sacraments, and that he who needs them cannot gain them unless he first makes an offering to the person who bestows them. Some think that this is permitted in the belief that long standing custom has given it the force of law. Such people, blinded by avarice, are not aware that the longer an unhappy soul is bound by crimes the graver they are. Therefore, so that this may not be done in the future, we severely forbid that anything be demanded for the enthronement of ecclesiastical persons or the institution of priests, for burying the dead as well as for blessing marriages or for any other sacrament. But if anyone presumes to act against this, let him know that he will have his lot with Giezil, whose action he imitates by his demand of a disgraceful present². Moreover we forbid bishops, abbots or other prelates to impose upon churches new dues, increase the old or presume to appropriate to their own use part of the revenues, but let them readily preserve for their subjects those liberties which superiors wish to be preserved for themselves. If anyone acts otherwise, his action is to be held invalid.³

8.4 Let no ecclesiastical ministries or even benefices or churches be assigned or promised to anyone before they are vacant, so that nobody may seem to wish for the death of his neighbour to whose position or benefice he believes himself to be the successor. For since we find this forbidden even in the laws of the pagans themselves, it is utterly disgraceful and calls for the punishment of God's judgment if the hope of future succession should have any place in God's church, when even pagans have taken care to condemn it. But whenever ecclesiastical prebends or any offices happen to become vacant in a church, or are even now vacant, let them no longer remain unassigned and let them be conferred within six months on persons who are able to administer them worthily. If the bishop, when it concerns him, delays to make the appointment, let it be done by the chapter; but if the election belongs to the chapter and it does not make the appointment within the prescribed time, let the bishop proceed according to God's will, with the advice of religious men; or if by chance all fail to do so, let the metropolitan dispose of these matters without opposition from them and in accordance with God's will.⁵

9.6 Since we ought both to plant holy religion and in every way to cherish it when planted, we shall never fulfil this better than if we take care to nourish

¹ See 4 Kg 5,20-27. ² ch. 9 *Decretals* V 3 (Fr 2, 751); see also ch. 100 C. I q. 1 (Fr 1,398).

³ ch. 7 *Decretals* III 39 (Fr 2, 623). ⁴ Canon 5, I in H.

⁵ ch. 2 *Deaetals* HI 8 (Fr 2, 488); see G. J. Ebers, *Das Devolutionsrecht, vomehmlich nach katholischem Kirchenrecht*, Stuttgart 1906, 171-178. ⁶ Canon 8 in H.

commissa nobis* auctoritate curemus. Fratrum autem et coepiscoporum
 nostrorum vehementi conquestione competimus, quod fratres Templi et
 Hospitalis*, alii quoque religiosae professionis, indulta sibi ab apostolica
 sede excedentes privilegia, contra episcopalem auctoritatem multa prae-
 ssumunt, quae et scandalum generant* in populo Dei et grave pariunt
 periculum animarum^l. Proponunt*^l enim quod ecclesias recipiant de
 manibus laicorum, excommunicatos et interdictos ad ecclesiastica sacra-
 menta et sepulturam admittant, in ecclesiis suis praeter eorum con-
 scientiam* et instituant et amoveant sacerdotes, et fratribus eorum ad
 jo eleemosynas quaerendas euntibus, cum indultum sit eis ut in adventu
 eorum semel in anno ecclesiae aperiantur atque in eis divina celebrentur
 officia, plures ex eis de una sive diversis domibus ad locum interdictum
 saepius accedentes, indulgentia privilegiorum^l in celebrandis officiis
 abutuntur et tunc mortuos apud praedictas^l ecclesias sepelire praesumunt.
 is Occasione quoque fraternitatum, quas in pluribus locis faciunt, robur
 episcopalis auctoritatis enervant, dum contra eorum sententiam sub
 aliquorum privilegiorum obtentu munire cunctos intendunt, qui ad eorum
 fraternitatem volunt accedere et se conferre*. In his^{ll}*, quia non tam de
 maiorum conscientia vel consilio quam de minorum indiscretionem^{ll} quo-
 20 rundam⁰ exceditur, et removenda ea in quibus excedunt et quae dubie-
 tatem? faciunt declaranda, decrevimus*. Ecclesias sane et decimas de manu
 laicorum, sine consensu episcoporum, tam illos quam quoscumque alios
 religiosos recipere prohibemus, dimissis etiam quas* contra tenorem
 istum moderno* tempore receperunt. Excommunicatos et nominatim
 25 interdictos tam ab illis quam ab omnibus aliis, iuxta episcoporum senten-
 tiam statuimus evitandos. In ecclesiis suis, quae ad eos pleno iure non
 pertinent, instituendos presbyteros episcopis praesentent*^l, ut eis quidem
 de plebis cura respondeant, ipsis vero pro rebus temporalibus rationem
 exhibeant competentem; institutos autem, episcopis inconsultis, non
 so audeant remove. Si vero Templarii sive Hospitalarii ad ecclesiam
 interdictam^l venerint, non nisi semel in anno ad ecclesiasticum admittan-
 tur officium nec tunc ibi corpora sepeliant defunctorum[^]. De fraterni-
 tatibus* hoc statuimus? ut, si non se praedictis fratribus omnino reddi-
 derint sed in suis proprietatibus duxerint* remanendum, propter hoc ab
 S5 episcoporum sententia nullatenus eximantur, sed potestatem suam in eos

^{fl} a add. H et add. H c faciunt H d proposuerunt H

^e cunctis add. H f conscientias H g de add. H

^h nostrorum add. H i et sepeliendis mortuis add. H k interdictas H

^l volunt. .. conferre] voluerint se conferre H m autem add. H n discretionem H

40 ^o om. H p dubitati *(-*) H q decernimus H r etiam add. H

• quascumque H t aliquo r. / . Rm ° repraesentent H

T ecclesiam interdictam v. L Rm ecclesiasticum interdictum relL

w interdictorum r. / . Rm x confratribus p. L Rm autem add. H

y constituimus H * omnino add. v. I. Rm

^l Cf. inter alia G. Bottarelli, *Storia politica e militare del sovrano ordine ... di Malta*, I Milano 1940| 69a

what is right and to correct what stands in the way of the progress of truth by means of the authority entrusted to us. Now we have learnt from the strongly worded complaints of our brethren and fellow bishops that the Templars and Hospitallers, and other professed religious, exceeding the privileges granted them by the apostolic see have often disregarded episcopal authority, causing scandal to the people of God and grave danger to souls'. We are told that they receive churches from the hands of lay persons; that they admit those under excommunication and interdict to the sacraments of the church and to burial; that in their churches they appoint and remove priests without the knowledge of the bishop; that when the brothers go to seek alms, and it is granted that the churches should be open on their arrival once a year and the divine services should be celebrated in them, several of them from one or more houses often go to a place under interdict and abuse the privileges granted¹ to them by holding divine service, and then presume to bury the dead in the said churches. On the occasion also of the brotherhoods which they establish in many places, they weaken the bishops' authority, for contrary to their decision and under cover of some privileges they seek to defend all who wish to approach and join their brotherhood. In these matters, because the faults arise not so much with the knowledge or advice of the superiors as from the indiscretion of some of the subjects, we have decreed that abuses should be removed and doubtful points settled. We absolutely forbid that these orders and all other religious should receive churches and tithes from the hands of lay persons, and we even order them to put away what they have recently received contrary to this decree. We declare that those who are excommunicated, or interdicted by name, must be avoided by them and all others according to the sentence of the bishop. In churches which do not belong to them by full right, let them present to the bishops the priests to be instituted, so that while they are answerable to the bishops for the care of the people, they may give to their own members a proper account of temporal matters. Let them not presume to remove those priests who have been appointed without first consulting the bishops. If the Templars or Hospitallers come to a church which is under an interdict, let them be allowed to hold the services of the church only once a year and let them not bury there the bodies of the dead. With regard to the brotherhoods we declare as follows: if any do not give themselves entirely to the said brothers but decide to keep their possessions, they are in no way on this account exempt from the sentence of the bishops, but the bishops may exercise their power over them as over other

¹ by God *added in H* h by us *added in H*

¹ See among others G. Bottarelli, *Storia politica e militare del sovrano ordine ... di Malta*, I Milan 1940, 69; M. Barber, *The Trial of the Templars*, Cambridge 1978, 12.

sicut in alios parochianos suos exercent, cum pro suis excessibus fuerint corrigendi. Quod autem de praedictis fratribus dictum est, de* aliis quoque religiosis, qui praesumptione sua episcoporum iura praeripiunt et contra canonicas eorum sententias et tenorem privilegiorum nostrorum venire praesumunt, praecipimus observari. Si autem contra hoc institutum venerint, et ecclesiae in quibus ista praesumpserint subiaceant interdicto, et quod egerint irritum⁶ habeatur.¹

10.2 Monachi non pretio recipiantur in monasterio, non peculium permittantur habere, non singuli per villas et oppida seu ad quascumque parochiales ponantur ecclesias, sed in maiori conventu aut cum aliquibus¹⁰ fratribus maneant, nec soli inter saeculares homines spiritualium hostium conflictionem⁴ expectent, Salomone dicente: *Vae soli, quia si ceciderit non habet sublevante*[^]. Si quis autem exactus pro sua receptione aliquid dederit, ad sacros ordines non ascendat; is autem qui acceperit[^], officii sui privatione^S mulctetur. Si vero peculium habuerit, nisi ei ab abbate pro iniuncta¹⁵ fuerit administratione permissum, a¹ co¹ unione removeatur altaris, et qui in extremis cum peculio inventus fuerit^k, nec oblatio pro eo fiat nec inter fratres recipiat^l sepulturam. Quod etiam de diversis¹ religiosis praecipimus observari. Abbas etiam¹ qui ista diligenter non curaverit, officii sui iacturam se noverit incursum. Prioratus quoque sive^o oboe-²⁰ dientiae pretii datione nulli tradantur, alioqui et dantes et accipientes? a ministerio fiant ecclesiastico alieni. Priores vero[^], cum in conventualibus ecclesiis^l fuerint constituti, nisi pro manifesta causa et rationabili non mutantur, videlicet si fuerint dilapidatores nec³ continenter³ vixerint aut aliquid tale egerint, pro quo amovendi merito videantur, aut si etiam²⁵ pro necessitate maioris officii de consilio* fratrum fuerint transferendi.⁴

11? Clerici in sacris ordinibus constituti, qui mulierculas suas in domibus suis incontinentiae nota tenuerint, aut obiciant eas et continenter vivant, aut ab officio et beneficio ecclesiastico fiant alieni. Quicumque incontinentia illa, quae contra naturam est, propter quam *venit ira Dei in*³⁰ *filios diffidentiae** et quinque civitates igne consumpsit⁷, deprehensi fuerint laborare, si clerici fuerint eiciantur a clero vel ad poenitentiam agendam in monasteriis detrudantur³*, si laici excommunicationi subdantur et a coetu fidelium fiant prorsus[?] alieni.⁸ Monasteria praeterea sanctimonia-

a ab // b et vacuum *add. H*

35

c om. *H* d conflictum *H* e Non est qui sublevet eum f. / . *Rm*

¹ receperit *H* is vero qui eum receperit f. / . *Rm* g suspensione f. / . *Rm* b qui *H*

l de[^]Cr2 *Sm* k et digne non penituerit *add. H* l aedpiat *H*

m universis f. / . *Rm, H* n autem *H* ° seu *H* p redpientes *H* 9 autem 7/

f per electionem capitulorum suorum canonicis *add. v. / . Rm* 5 si incontinenter *H* 40

l consensu f. / . *Rm* u sub *add. H*

v autem *add. H* w et *H* x retrudantur *H* J penitus *H*

c. 3 X. V 33 (Fr 2, 849-850); cf. G. Schreiber, *Klör und Kloster im 12. Jahrhundert*, Stuttgart 1910, 1 294; II 15, 67, 116, 354. * C. 9 in H. 3 Ec 4, 10. 1

4 c. 2 X. m 35 (Fr 2, 596-597). * G 10 in H. Eph 5, 6. 7 Cf. Gn 19, 24-25.

• c. 4 AT. V 31 (Fr 2, 836); cf. etiam c. 13 G XXXII q. 7 (Fr 1, 1143).

parishioners whenever they are to be corrected for their faults. What has been said about the said brothers, we declare shall be observed with regard to other religious who presume to claim for themselves the rights of bishops and dare to violate their canonical decisions and the tenor of our privileges. If they do not observe this decree, let the churches in which they dare so to act be placed under an interdict, and let what they do be considered void.¹

10? Monks are not to be received in a monastery for money nor are they allowed money of their own. They are not to be stationed individually in towns or cities or parish churches, but they are to remain in larger communities or with some of their brethren, nor are they to await alone among people of the world the attack of their spiritual foes, since Solomon says, *Woe to him who is alone when he falls and has not another to lift him up*.² If anyone when demanded gives something for his reception, let him not proceed to sacred orders and let the one who has received him be punished by loss of his office. If he has money in his possession, unless it has been granted him by the abbot for a specific purpose, let him be removed from the communion of the altar, and any one who is found at his death with money in his possession³ is not to receive burial among his brethren and mass is not to be offered for him. We order that this is also to be observed with regard to other religious. Let the abbot who does not exercise care in such matters know that he will incur the loss of his office. Neither priories nor obediences are to be handed over to anyone for a sum of money; otherwise both giver and receiver are to be deprived of ministry in the church. Priors, when they have been appointed to conventual churches, are not to be changed except for a clear and reasonable cause, for instance if they are wastrels or live immoral lives or have committed an offence for which they clearly should be removed, or if on account of the demands of higher office they should be transferred on the advice of their brethren.⁴

11? Clerics in holy orders, who in open concubinage keep their mistresses in their houses, should either cast them out and live continently or be deprived of ecclesiastical office and benefice. Let all who are found guilty of that unnatural vice for which *the wrath of God came down upon the sons of disobedience*⁵ and destroyed the five cities with fire⁶, if they are clerics be expelled from the clergy or confined in monasteries to do penance; if they are laymen they are to incur excommunication and be completely separated from the society of the faithful? If any cleric without clear and necessary cause presumes to frequent convents of

k and has not repented in a fitting manner *added in H*

¹ ch. 3 *Deaetals* V 33 (Fr 2, 849-850); see G. Schreiber, *Karie and Kloster im 12. Jahrhundert*, Stuttgart 1910, I 294; II 15, 67, 116, 354. ² Canon 9 in H. ³ Ec 4, 10.

* ch. 2 *Decretals* III 35 (Fr 2, 596-597). ⁵ Canon 10 in H. ⁶ Eph 5, 6.

⁷ See Gn 19, 24-25.

I ch. 4 *Decretals* V 31 (Fr 2, 836); see also ch. 13 C. XXXII q. 7 (Fr I, 1143).

lium si quisquam clericus sine manifesta et necessaria causa frequentare praesumpserit, per episcopum arceatur, et si non destiterit a beneficio ecclesiastico reddatur immunis.¹*

12? Clerici in subdiaconatu et supra et in minoribus quoque ordinibus,
 5 si stipendiis ecclesiasticis sustentantur¹, coram iudice saeculari advocati
 in negotiis² fieri non praesumant, nisi propriam vel ecclesiae suae causam
 fuerint prosecuti aut pro miserabilibus forte personis, quae proprias
 causas administrare non possunt³.* Sed nec procurationes⁴ villarum aut
 iurisdictiones etiam saeculares sub aliquibus principibus vel⁵ saecularibus
 10 viris, ut iustitarii eorum fiant, clericorum quisquam assumere' prae-
 sumat. Si quis adversus hoc⁶ tentaverit, quoniam* contra doctrinam
 Apostoli est⁷ dicentis: *Nemo militans Deo implicat se negotiis saecularibus*¹,
 et² saeculariter agit, ab ecclesiastico fiat ministerio alienus, pro eo quod,
 officio clericali neglecto, fluctibus saeculi, ut potentibus saeculi³ placeat,
 15 se immergit. Districtius autem decrevimus⁴ puniendum, si religiosorum
 quisquam aliquid praedictorum audeat⁵ attentare.⁵

†3. Quia nonnulli, modum avaritiae non ponentes¹, dignitates diver-
 sas² ecclesiasticas et plures ecclesias parochiales contra sacrorum canonum
 instituta nituntur acquirere ita ut, cum unum officium vix implere suffi-
 ciant, stipendia sibi vindicent plurimorum, ne id de cetero fiat, districtius
 inhibemus. Cum igitur³ ecclesia vel ecclesiasticum ministerium committi
 debuerit, talis ad hoc persona quaeratur, quae residere in loco et curam
 eius per seipsum⁴ valeat exercere. Quod si aliter fuerit actum, et qui
 receperit, quod contra sacros⁵ canones accepit⁶*, amittat, et qui dederit,
 largiendi potestate privetur.⁷

¶4. Quia in tantum iam quorundam processit ambitio, ut non duas
 vel tres sed sex aut plures ecclesias perhibeantur habere', nec duabus
 debitam possint provisionem impendere, per fratres et coepiscopos
 nostros carissimos¹ emendaril praecipimus et de multitudine' canonibus
 inimica, quae dissolutionis materiam et vagationis inducit et certum con-
 tinet periculum animarum eorum, qui ecclesiis digne² valeant deservire,
 volumus³ ecclesiasticis⁴ beneficiis⁵ indigentiam sublevari⁶. Praeterea⁷,
 quia in tantum quorundam laicorum processit audacia, ut episcoporum
 auctoritate neglecta clericos instituunt in ecclesiis et removeant etiam
 cum voluerint, possessiones quoque atque alia bona ecclesiastica pro sua
 plerumque voluntate distribuunt, et tam ecclesias ipsas⁸ quam earum

1 sustententur *Rm-Sfti* h saecularibus *add. H* saecularibus alias forensibus *add. v. I. Rjn*
 c procuratores *v. I. Rmt quam ER-Msi supra ad* advocati minus recte ponunt d et *H*
 c exercere *f. I. Rmt H* f quis autem contra hoc venire *H* g quia *H* h om. *H*
 40 i decernimus *H* k aUsus fUCrit *h* l et *add. H* TM om. *Cr2 Su* n Vel *add. H*
 ° seipsam *H* P sanctos *Bn-Msi* q acceperit *H* r cum *add. H*
 5 hoc emqpdari *H* t praebendarum *add. Rm-Msi*

1 c. 8 **XIII** 1 (Fr 2, 450); cf. inter alia conc, Lat. II c. 6-8 (v. supra p. 198).

3 C. II in H. 3 c. 1 **X**. I 37 (Fr 2, 210). 2 Tm 2, 4. » c. 4 **X**. III 50 (Fr 2, 658).

• C. 14, 1 in H. 7 c. 3 **X**. III 4 (Fr 2, 460); cf. etiam c. 2 D. LXX (Fr 1, 257).

• C. 14, II in H. • c. 5 **X**. III 5 (Fr 2, 465). 19 G 16, II 17 H.

nuns, let the bishop keep him away; and if he does not scop, let him be ineligible for an ecclesiastical benefice.'

12? Clerics in the subdiaconate and above and also those in minor orders, if they are supported by ecclesiastical revenues, should not presume to become advocates in legal matters before a secular judge, unless they happen to be defending their own case or that of their church, or acting on behalf of the helpless who cannot conduct their own cases³. Let clerics not presume to take upon themselves the management of towns or even secular jurisdiction under princes or seculars so as to become their ministers of justice. If anyone dares to act contrary to this decree, and so contrary to the teaching of the Apostle who says, *No soldier of God gets entangled in secular affairs*^{4,5} and acts as a man of this world, let him be deprived of ecclesiastical ministry, on the grounds that neglecting his duty as a cleric he plunges into the waves of this world to please its princes. We decree in the strictest terms that any religious who presumes to attempt any of the above-mentioned things should be punished.'

13.6 Because some, setting no limit to their avarice, strive to obtain several ecclesiastical dignities and several parish churches contrary to the decrees of the holy canons, so that though they are scarcely able to fulfil one office sufficiently they claim the revenues of very many, we strictly forbid this for the future. Therefore when it is necessary to entrust a church or ecclesiastical ministry to anyone, the person sought for this office should be of such a kind that he is able to reside in the place and exercise his care for it himself. If the contrary is done, both he who receives it is to be deprived of it, because he has received it contrary to the sacred canons, and he who gave it is to lose his power of bestowing it.⁷

14.8 Because the ambition of some has now gone to such lengths that they are said to hold not two or three but six or more churches, and since they cannot devote the proper care to two, we order, through our brethren and most dear fellow bishops, that this be corrected; and with regard to this pluralism, so contrary to the canons, and which gives rise to loose conduct and instability, and causes definite danger to the souls of those who are able to serve the churches worthily, it is our wish to relieve their want by ecclesiastical benefices⁹. Further¹⁰, since some of the laity have become so bold that disregarding the authority of bishops they appoint clerics to churches and even remove them when they wish, and distribute the property and other goods of the church for the most part according to their own wishes, and even dare to burden the

¹ ch. 8 *Decretals* III 1 (Fr 2, 450); see among others Lateran council II, canons 6-8 (see above p. 198).

⁵ Canon 11 in H. ³ ch. 1 *Decretals* I 37 (Fr 2, 210). ⁴ 2 Tm 2, 4.

⁵ ch. 4 *Decretals* III 50 (Fr 2, 658).

⁶ Canon 14,1 in H. ⁷ ch. 3 *Decretals* III 4 (Fr 2, 460); see also ch. 2 D. LXX (Fr 1, 257).

⁸ Canon 14, II in H. ⁹ ch. 5 *Decretals* III 5 (Fr 2, 465). ¹⁰ Canon 16, II in H.

homines tallis ec exactionibus praesumant gravare, eos qui amodo ista commiserint¹, anathemate decernimus feriendos. Presbyter autem sive clericus, qui ecclesiam per laicos^b sine proprii episcopi auctoritate receperit tenendam^c, communione privetur, et si perstiterit, a ministerio ecclesiastico et ordine deponatur.¹ Sane quia laici quidam ecclesiasticas s personas et ipsos etiam episcopos suo iudicio stare compellunt, eos qui de cetero id praesumpserint, a communione fidelium decernimus segregandos. Prohibemus etiam³ ne laici, decimas cum animarum suarum periculo detinentes', in alios laicos possint aliquo modo^d transferre. Si quis vero receperit et ecclesiae non tradiderit⁵, Christiana sepultura privetur.* 10

15.3 Cum in officiis caritatis illis primoh teneamur obnoxii, a quibus nos beneficium cognoscimus accepisse^e, e^{ll} contrario^{ll} ecclesiastici' quidam clerici, cum ab ecclesiis suis multa bona^l perceperint, bona per ecclesiam^m adquisita in alios usus' praesumunt transferre, hoc igitur quia et antiquis canonibus constat inhibitum, nos etiam nihilominus inhibemus^{ll}; indemnitati itaque' ecclesiarum providere volentes, sive intestati decesserint sive aliis conferre voluerint, penes ecclesias^o eadem bona praecipimus remanere^l. Praeterea, quoniam quidam in quibusdam partibus sub pretio statuuntur, qui decani vocantur, et pro certa pecuniae quantitate episcopalem iurisdictionem exercent, praesenti decreto statuimus ut qui de cetero id praesumpserit, officio suo privetur et episcopus conferendi hoc officium potestatem amittat.⁵ 20

16.6 Cum in cunctis ecclesiis quod pluribus et senioribus^p fratribus visum fuerit, incunctanter debeat observari, grave nimis et reprehensione est dignum^l, quod quarundam ecclesiarum' pauci, quandoque non tam 25 de ratione quam de propria voluntate, ordinationem multoties' impediunt et ordinationem ecclesiasticam procedere non permittunt. Quocirca praesenti decreto statuimus, ut nisi a paucioribus et inferioribus aliquid rationabile fuerit ostensum', appellatione remota, semper praevaleat et suum consequatur effectum, quod a maiori et seniori^{*3} parte capituli' 30 fuerit constitutum. Nec nostram constitutionem impediat, si forte aliquis ad conservandam ecclesiae suae consuetudinem iuramento se dicat adstrictum; non enim dicenda sunt iuramenta sed potius periuria, quae

^a praesumpserint *H* ^b sive patronatus obtentu sive alio quocumque modo *add. H*

^c *om. H* ^d insuper *H* ^e retinentes *Cr2 Su*

^f sine sui episcopi consensu *add. H* ^g reddiderit *p. l. Rmt H*

^h loco *add. H* ^{*} recepisse *H* ^k *am. Cr2 Su* econtra *H*

^l beneficia *H* ^m ecclesiam *H*

ⁿ et *add. H* ^o ecclesiam *Cr2 Su* ^p sanioribus *H*

^q dignissimum *H* ^r per quasdam ecclesias *p. l. R/n, H*

^s multorum *p. l. Rnt* multorum et prudendorum *H*.

^t rationabiliter (rationabile *H*) obiectum fuerit et ostensum *p. l. Rjn, H*

^u saniori *p. l. Rm* ^v concilii *p. l. Rm* consilii *H*

¹ C. 4 X ni 38 (Fr 2,610); cf. edam c. 20 G XVI q. 7 (Fr 1, 806).

² Prohibemus ... privetur: c. 19 X. m 30 (Fr 2, 562). » C. 13 in H.

¹ c. 7 X. III 26 (Fr 2,540). ' c. 1 X V 4 (Fr 2,767-768). · C. 7 in H

churches themselves and their people with taxes and impositions, we decree that those who from now on are guilty of such conduct are to be punished by anathema. Priests or clerics who receive the charge of a church from the hands of lay persons² without the authority of their own bishop, are to be deprived of communion; and if they persist, they are to be deposed from the ecclesiastical ministry and order.' We firmly decree that because some of the laity force ecclesiastics and even bishops to come before their courts, those who presume to do so in the future are to be separated from the communion of the faithful. Further we forbid lay persons, who hold tithes to the danger of their souls, to transfer them in any way* to other lay persons. If anyone receives them and does not hand them over to the church, let him be deprived of Christian burial?

15.3 Although in duties of charity we are especially under obligation to those from whom we know we have received a gift, on the contrary certain clerics, after receiving many goods from their churches, have presumed to transfer these goods to other uses. We forbid this, knowing that it is also forbidden by ancient canons. Therefore, as we wish to prevent damage to the churches, we order that such goods should remain under the control of the churches⁴, whether the clerics die intestate or wish to bestow them upon others. Besides, since in certain places certain persons called deans are appointed for a fee and exercise episcopal jurisdiction for a sum of money, by the present decree we declare that those who in future presume to do this should be deprived of their office and the bishop shall lose the power of conferring this office.⁵

16.6 Since in every church what is approved by the greater and senior^p part of the brethren should unhesitatingly be observed, it is a very serious and blameworthy matter that in certain churches a few persons, sometimes not so much for a good reason as for their own will, frequently prevent an election and do not allow the ecclesiastical appointment to go forward. Therefore we declare by the present decree that unless some reasonable objection is shown by the smaller and junior party, apart from an appeal, whatever is determined by the greater and senior^u part of the chapter should always prevail and should be put into effect. Nor let it stand in the way of our decree if someone perchance says that he is under oath to preserve the custom of his church. For this is not to be called an oath but rather perjury, which is opposed to the advantage of the

^b whether under cover of patronage or in any other way *added in H*

['] without the consent of their bishop *added in H*

^p sounder *H* ^u sounder *variant reading in Rm*

¹ ch. 4 *Decretals* III 38 (Fr 2, 610); see also ch. 20 C. XVI q. 7 (Fr 1, 806).

² Further *we*... burial: ch. 19 *Decretals* III 30 (Fr 2, 562). ³ Canon 13 in H.

⁴ ch. 7 *Decretals* III 26 (Fr 2, 540). ⁵ ch. 1 *Decretals* V 4 (Fr 2, 767-768).

⁶ Canon 7 in H.

contra utilitatem ecclesiasticam et sanctorum patrum veniunt instituta. Si quis* autem huiusmodi consuetudines, quae nec ratione iuvantur nec sacris congruunt institutis, iurare praesumpserit, donec congruam egerit poenitentiam, a Domini corporis perceptione fiat alienus.¹

5 17.2 Quoniam in quibusdam locis ecclesiarum fundatores aut heredes eorum, potestate in qua eos ecclesia hucusque sustinuit, abutuntur et, cum in ecclesia Dei unus debeat esse qui praesit, ipsi plures sine respectu sublectionis eligere moliuntur et, cum una ecclesia unius debeat esse rectoris, pro sua defensione plurimos repraesentant, quocirca praesenti
io decreto statuimus ut, si forte in plures partes fundatorum se vota diffuderint, ille praeficiatur ecclesiae, qui maioribus iuvatur meritis et plurimum¹ eligitur et probatur assensu. Si autem hoc sine scandalo fieri nequiverit, ordinet antistes ecclesiam sicut melius^h secundum Deum viderit ordinandam. Id ipsum etiam faciat, si de iure patronatus
is quaestio emerit inter aliquos et cui competat infra tres^k menses non fuerit definitum.^{3*}

†8. Quoniam ecclesia Dei et in eis^l quae spectant ad subsidium corporis et in eis* quae ad profectum veniunt^l animarum, indigentibus sicut pia mater providere tenetur, ne pauperibus, qui parentum opibus iuvare
so non possunt, legendi et proficiendi opportunitas subtrahatur, per unamquamque ecclesiam cathedralem magistro, qui clericos eiusdem ecclesiae et scholares pauperes gratis doceat, competens aliquod beneficium assignetur, quo docentis necessitas sublevetur et discentibus via pateat ad doctrinam. In aliis quoque restituatur ecclesiis sive^o monasteriis, si
25 retroactis temporibus aliquid in eis ad hoc fuerit[?] deputatum. Pro licentia vero docendi nullus omnino^o pretium exigat, vel sub obtentu alicuius consuetudinis ab eis* qui docent aliquid quaerat, nec docere quempiam expetita^l licentia, qui sit idoneus, interdicat. Qui vero contra hoc venire praesumpserit, a beneficio ecclesiastico fiat alienus. Dignum quidem esse
μ videtur, ut in ecclesia Dei fructum laboris sui non habeat, qui cupiditate animi, dum* vendit* licentiam docendi, ecclesiarum^l profectum nititur impedire.⁵

* quis *reilil/dab* aliquis *Cr3 Su*, *om. rtll.*

b quae nec ratione ... iurare] quae nec ratione iuvantur nec sacris ... iurare v. *I. Rm* quae
35 ratione iuvantur et sacris ... irritare *omnts*

c condignam *H* d existat *H* e diviserint p. *I. Rm, H* I plurimorum *Rm-Mri*

K esse *H* b eam *add. H* « ordinandum *Su* k quattuor p. *I. Rm* duos *H*

• his *Cr3 Su H* m proveniunt *H* » praebeatur *H* o seu *H* P fuerat *H*
om. Bn-Mri r petita *Rm-Mti*

40 s dum vendit *Rm* (dum *om. rtll.*) divendens *Cr3 Su*

‘ ecclesiasticum ». *I. Rm, H* (ct eccl- ton. *Hrd*)

¹ c. 1 *XIII*11 (Fr 2, 506). » *Q 16, I in H*.

² c. 3 *X. HI* 38 (Fr 2, 610); cf. etiam c. 36 D. *LXIU* (Fr 1, 247); cf. G. J. Ebers, *Dat Dtvolutionmchl, porntbmlich nach katboliichtm Kirchenrtcht*, Stuttgart 1906, 171-178.

* *G 17 in H*.

» c. 1 *X. V* 5 (Fr 2, 768-769); cf. etiam c. 12 D. *XXXVII* (Fr 1, 139); cf. G. Post, *Alexan-*

church and the decrees of the holy fathers. If anyone presumes to maintain under oath such customs, which are neither supported by reason nor in accord with the sacred decrees, let him be denied the reception of the body of the Lord until he performs fit penance.¹

17? Since in certain places the founders of churches or their heirs abuse the power in which the church has supported them until now, and though there ought to be one superior in the church of God they nevertheless contrive to choose several without regard to subordination, and though there ought to be one rector in each church they nevertheless put forward several in order to protect their own interests; for these reasons we declare by the present decree that if the founders support several candidates, that one should be in charge of the church who is supported by greater merits and is chosen and approved by the consent of the greater number. If this cannot be done without scandal, let the bishop arrange in the manner that he sees best according to the will of God. He should also do this if the question of the right of patronage arises among several persons, and it has not been settled to whom it belongs within three months?

18? Since the church of God is bound to provide like a mother for those in want, with regard to both the things which concern the support of the body and those which lead to the progress of the soul, therefore, in order that the opportunity of learning to read and progress in study is not withdrawn from poor children who cannot be helped by the support of their parents, in every cathedral church a master is to be assigned some proper benefice so that he may teach the clerics of that church and the poor scholars. Thus the needs of the teacher are to be supplied and the way to knowledge opened for learners. In other churches and monasteries too, if anything in times past has been assigned in them for this purpose, it should be restored. Let no one demand any money for a licence to teach, or under cover of some custom seek anything from teachers, or forbid anyone to teach who is suitable and has sought a licence. Whoever presumes to act against this decree is to be deprived of ecclesiastical benefice. Indeed, it seems only right that in the church of God a person should not have the fruit of his labour if through self-seeking he strives to prevent the progress of the churches by selling the licence to teach?

¹ four *variant reading* in *Rm*, two in *H*

¹ ch. 1 *Decretals* III 11 (Fr 2, 506). ² *~~Canon~~ 16, I in *H*.

³ ch. 3 *Decretals* III 38 (Fr 2, 610); see also ch. 36 D. LXIII (Fr 1, 247); see GJ. Ebers, *Das Dei'olutionsrecht, vomehmlich nach katholischen Kirchenrecht*, Stuttgart 1906, 171-178.

⁴ Canon 17 in *H*.

⁵ ch. 1 *Decretals* I 5 (Fr 2, 768-769); see also ch. 12 D. XXXVII (Fr 1, 139); see G. Post, *Alexander III, the "Licentia docendi" and the Rise of the Universities*, Anniversary Essays in Mediaeval History, by Students of C. H. Haskins, Boston — New' York 1929, 255-257.

19.' Non minus pro peccato eorum qui faciunt, quam pro illorum detrimento qui sustinent, grave nimis esse dignoscitur, quod in diversis partibus mundi rectores et consules civitatum necnon et alii qui potestatem habere videntur, tot ecclesiis frequenter onera imponunt et* ita gravibus eas crebrisque exactionibus premunt, ut deterioris conditionis factum sub eis sacerdotium videatur quam sub Pharaone fuerit², qui divinae legis notitiam non habebat. Ille quidem, omnibus aliis servituti subiectis, sacerdotes suos et eorum possessiones in pristina libertate dimisit et de publico eis alimoniam ministravit. Isti vero universa fere onera sua imponunt ecclesiis et tot angariis eas affligunt, ut illud eis, quod Ieremias deplorat, competere videatur: *Princeps provinciarum facta est sub tributo**. Sive quidem fossata sive expeditiones sive quaelibet alia sibi arbitrentur* agenda, de bonis ecclesiarum, clericorum et pauperum Christi usibus deputatis cuncta volunt fere compilarim iurisdictionem etiam et auctoritatem episcoporum et aliorum praelatorum ita evacuare, ut nihil potestatis eis in suis videatur hominibus remansisse, super quo dolendum est pro ecclesiis; dolendum etiam nihilominus et pro ipsis, qui timorem Dei et ecclesiastici ordinis reverentiam videntur penitus abiecis-
 Quocirca sub anathematis districtione severius prohibemus, ne de cetero talia praesumant attentare, nisi episcopus et clerus tantam necessitatem vel utilitatem aspexerint, ut absque coactione ad relevandas communesTM necessitates, ubi laicorum non suppetunt facultates, subsidia per ecclesias existiment conferenda. Si autem consules aut alii de cetero id praesumpserint et commoniti desistere forte noluerint, tam ipsi quam eorum fautores excommunicationi se noverint subiacere, nec communioni fidelium reddantur nisi^o satisfactionem fecerint competentem.⁴

20.5 Felicis memoriae papae Innocentii[®] et Eugenii⁷ praedecessorum nostrorum vestigiis inhaerentes, detestabiles? nundinas vel ferias, quas vulgo torneamenta vocant, in quibus milites ex conducto venire[^] solent et ad ostentationem virium suarum et audaciae temerarie congregiuntur, unde mortes hominum et animarum pericula saepe proveniunt, fieri prohibemus. Quod si quis eorum ibidem mortuus fuerit, quamvis ei poscenti venia non negetur, ecclesiastica tamen careat sepultura.⁸

l om. H b et crebris *H* c subactis *H* d ipsas *H* 35
 e arbitrantur *H* l et add. *H* g complere s. l. *Rm* compleri *H*
 h et *H* i inspexerint *H* k ulla add. *Rm-Msi* l exactione o. l. *Rm*
 m utilitates vel add. ». l. *Rm* n ista commiserint *H*
 ° donec *H* p illas add. *Rm-Mti* q convenire *H*
 r temere *Rm-Mri* * poenitentia *H* 40

derUI, fie „Licentia docendi" and tie Rite of tie Unnertities, Anniversary Essays in Mediaeval History, by Students of C. H. Haskins, Boston-New York 1929 255-277

l C. 15 in H. » Cf. Ex 1, 8-12. » Lm 1,1.

4 c. 4 X. HI 49 (Fr 2, 654-655). * C 19,1 in H.

• Cone. Lat. II, c. 14 (v. supra p.200>).

' Cf. cone. Remense (1148), c. 12 (Msi 21, 716-717). · c. 1 X. V 13 (Fr 2, 804).

19.' It is recognized as a very serious matter, as regards the sin of those who do it no less than the loss of those who suffer it, that in several parts of the world the governors and officials of cities, and others too who are seen to have power, often impose on churches so many burdens and oppress them with such heavy and frequent impositions, that under them the priesthood seems to be in a worse condition than it was under Pharaoh², who had no knowledge of the divine law. He indeed, though he reduced all others to slavery, left his priests and their possessions in their ancient freedom, and provided them with support from public funds. But these others impose burdens of nearly every kind upon the churches and afflict them with so many exactions that the lamentation of Jeremiah seems to apply to them, *The prince of provinces has become a tributary*³. For whenever they think that entrenchments or expeditions or anything else should be made, they wish that almost everything should be seized from the goods assigned to the use of churches, clerics and Christ's poor. They even so reduce the jurisdiction and authority of bishops and other prelates that these seem to retain no power over their own subjects. But though we must in this matter grieve for the churches, we must grieve none the less for those who seem to have utterly cast aside the fear of God and respect for the ecclesiastical order. Therefore we strictly forbid them under pain of anathema to attempt such acts in future, unless the bishop and clergy see the need or advantage to be so great that they believe that where the means of the laity are insufficient, aid should be given voluntarily by the churches to relieve common needs. But if in future officials or others presume to continue such practices and after warning refuse to stop, let both them and their supporters know that they are excommunicated, and let them not be restored to the communion of the faithful unless they make due satisfaction.⁴

20.⁵ Following the footsteps of our predecessors of happy memory, popes Innocent⁶ and Eugenius⁷, we forbid those abominable jousts and fairs, which are commonly called tournaments, in which knights come together by agreement and rashly engage in showing off their physical prowess and daring, and which often result in human deaths and danger to souls. If any of them dies on these occasions, although forgiveness⁵ is not to be denied him when he requests it, he is to be deprived of a church burial.⁸

¹ penance *H*

² Canon 15 in *H*. ³ See Ex 1, 8-12. ⁴ Lm 1, 1.

⁵ ch. 4 *Decretals* III 49 (Fr 2, 654-655). ⁶ Canon 19, I in *H*.

⁷ Lateran council II, canon 14 (sec above p. 200).

⁸ See council of Rheims (1148), canon 12 (*Msi* 21, 716-717).

⁹ ch. 1 *Decretals* V 13 (Fr 2, 804).

21? Treugas* a quarta feria. post occasum solis usque ad secundam
feriam inb ortum solisc et ab adventu Domini usque ad octavas epipha-
niae et a septuagesima usque ad octavas paschae, ab omnibus inviolabiliter
observari praecipimus. Si quis autem treugamd frangere tentaverit, post
s tertiam commonitionem si non satisfecerit, episcopus suus sententiam
excommunicationis dictet⁶ et scriptam vicinis episcopis* annuntiet;
episcopus⁸ autem*^l nullus excommunicatum in communionem suscipiat,
itnmo scripto* susceptam sententiam quisque confirmet. Si quis autem
hoc violare praesumpserit, ordinis sui periculo subiaceat, et quoniam
io *funiculus triplex nonk facile¹ rumpitur²*, praecipimus ut episcopi, solum Dei
et salutis^l populi habentes respectum, omni tepiditate^l seposita, ad pacem
firmiter tenendam mutuum sibi consilium et auxilium praestent*^l, neque
hoc alicuius amore vel odio praetermittant. Quod° si quis inP opere Dei
tepidus fuerit inventus, damnum dignitatis suae** incurrat?

is 22? Innovamus* ut presbyteri monachi clerici conversi peregrini
mercatores rustici euntes et redeuntes et in agricultura existentes et
animalia* quae semina portant ad agrum⁵, congrua^l securitate laetentur⁵,
nec quisquam alicui^l novas pedagiorum* exactiones sine auctoritate
regum et principum consensu*^l statuere aut statutas de novo tenere aut
μ veteres augmentare aliquo modo temere⁰ praesumat. Si quis autem contra
hoc venire^l praesumpserit^l et commonitus non destiterit, donec satis-
faciat communione careat Christiana?

23? Cum dicat Apostolus⁸, abundantio-rem honorem membris infir-
mioribus deferendum, ecclesiastici^l quidam, quae sua sunt, non quae
25 Iesu Christi, quaerentes⁹, leprosis qui cum sanis habitare non possunt etz
ad ecclesiam** cum aliis convenire, ecclesias et coemeteria non permittunt
habere nec proprii iuvare ministerio sacerdotis. Quod quia procul a pietate
Christiana esse dignoscitur, de benignitate apostolica constituimus, ut
ubicumque tot simul sub communi vita fuerint congregati, qui ecclesiam
μ sibi cum coemeterio constituerebb et proprio gaudere valeant presbytero,
sine contradictione aliqua permittantur habere. Caveant tamen utcc
iniuriosi veteribus ecclesiis de iure parochiali nequaquam existant. Quod

* autem *add. H* b post *H* c in ortum solis *om. Cr34Su* d treugas *H*
e in eum *add. Rm-Shi* f suis *Cr1 Su* 8 quorum *Rm-Msi* episcoporum *H*
35 h *om. Rm-Msi* i scripto *con. Rm* scriptam *omnes* k difficile *H*
l ad solum Deum et salutem *H* « cupiditate alias trepiditate v. l. *reipotius glossa in Rm*
n praebeant *H* o *om. H* P hoc *add. v. l. Rm, H*
*^l propriae *H* r quibus arant et *add. r. l. Rm, H*
» quae ... agrum] seminant *r. l. Rm* ' continua *H*
40 u alicubi *r. l. Rm, H* ' pedaticorum *H*
w auctoritate et consensu regum et principum *r. i. Rm, H* 1 fecerit *H*
y econtra *H* z vel *H* *» ecclesias *H* bb construere *H* cc ne //

l C. 19, II in H. * Ec 4,12.

' Conc. Lat. II, c. 12 (v. supra p. 199-200); c. 1 A'. I 34 (Fr 2,203). « C. 19, III in H.

4 c 2 X. I 34 (Fr 2,203); cf. conc. Lat. II, c. 11 (v. supra p.199).

» c. 10 X. III 39 (Fr 2,624). ' C. 18 in H.

4 Cf. 1 Cor 12,22-23. ' Cf. Ph 2,21.

21.¹ We decree that truces are to be inviolably observed by all from after sunset on Wednesday until sunrise on Monday, and from Advent until the octave of the Epiphany, and from Septuagesima until the octave of Easter. If anyone tries to break the truce, and he does not comply after the third warning, let his bishop pronounce sentence of excommunication and communicate his decision in writing to the neighbouring bishops. Moreover, let no bishop receive into communion the excommunicated person, but rather let him confirm the sentence received in writing. If anyone presumes to infringe this, he will do so at the risk of his position. *Since a threefold cord is not quickly broken*² we enjoin bishops, having regard only for God and the salvation of the people, and laying aside all timidity, to furnish each other with mutual counsel and help towards firmly maintaining peace, and not to omit this duty by reason of any affection or aversion. For if anyone is found to be lukewarm in the work of God, let him incur the loss of his dignity?

22? We renew our decree that priests, monks, clerics, lay brothers, merchants and peasants, in their coming and going and their work on the land, and the animals which carry seeds to the field, should enjoy proper security', and that nobody should impose on anyone new demands for tolls, without the approval of kings and princes, or renew those already imposed or in any way increase the old. If anyone presumes to act against this decree and does not stop after warning, let him be deprived of Christian society until he makes satisfaction?

23/ Although the Apostle⁸ says that we should pay greater honour to our weaker members, certain ecclesiastics, seeking what is their own and not the things of Jesus Christ⁹, do not allow lepers, who cannot dwell with the healthy or come to church with others, to have their own churches and cemeteries or to be helped by the ministry of their own priests. Since it is recognized that this is far from Christian piety, we decree, in accordance with apostolic charity, that wherever so many are gathered together under a common way of life that they are able to establish a church for themselves with a cemetery and rejoice in their own priest, they should be allowed to have them without contradiction. Let them take care, however, not to harm in any way the parochial rights of established churches. For we do not wish that what is granted them on the score

¹ Canon 19, II in H. ² Ec 4, 12.

³ Lateran council II, canon 12 (see above pp. 199-200); ch. 1 *Decretals* I 34 (Fr 2, 203).

⁴ Canon 19, III in H.

⁵ ch. 2 *Decretals* I 34 (Fr 2, 203); see Lateran council II, canon 11 (see above p. 199).

⁶ ch. 10 *Decretals* III 39 (Fr 2, 624). ⁷ Canon 18 in H.

⁸ See 1 Cor 12, 22-23. ⁹ See Ph 2, 21.

namque[†] eis pro pietate conceditur, ad aliorum iniuriam nolumus redundare. Statuimus etiam ut de hortis et nutrimentis animalium suorum, decimas tribuere non cogantur.¹

24? Ita quorundam animos occupavit saeva cupiditas, ut cum glorientur nomine Christiano, Sarracenis arma ferrum et lignamina⁶ galearum s deferant et pares eisc aut etiam superiores in malitia fiant, dum ad impugnandos Christianos arma eis et necessaria subministrant. Sunt etiam qui pro sua cupiditate in galeis et piraticis Sarracenorum navibus regimen et curam gubernationis exercent. Tales igitur a communione ecclesiae praecisos et excommunicationi pro sua iniquitate subiectos, et rerum 10 suarum per saeculi principes catholicos et consules civitatum privatione mulctari et capientium servos, si capti fuerint, fore censemus. Praecipimus etiam^d ut per ecclesias maritimarum urbium crebra et solemnis excommunicationo proferatur in eos.³ Excommunicationis quoque poenae subdantur, qui Romanos aut alios[†] Christianos pro negotiatione vel aliis is causis honestis navigio vectos, aut capere aut rebus suis spoliare praesumunt. Illi etiam qui Christianos naufragia[^] patientes, quibus secundum regulam fidei auxilio esse tenentur, damnanda cupiditate rebus suis spoliare praesumunt, nisi ablata reddiderint, excommunicationi se noverint subiacere.⁴ 20

25? Quia in omnibus fere locis crimen⁵ usurarum ita inolevith, ut multi aliis negotiis praetermissis quasi licite usuras exerceant, et qualiter utriusque Testamenti pagina condemnentur[†] nequaquam attendant, ideo constituimus, ut usurarii manifesti nec ad communionem admittantur altaris nec Christianam, si in hoc peccato decesserint, accipiant sepulturam, 25 sed nec eorum oblationem quisquam accipiat. Qui autem acceperit aut eos Christianae tradiderit sepulturae, et ea quae acceperit^k reddere compellatur et, donec ad arbitrium sui^{*} episcopi satisfaciat, ab officii sui maneat exsecutione suspensus.⁴

26.7 Iudaei sive Sarraceni nec[™] sub alendorum puerorum[™] obtentu nec[™] 30 pro servitio nec[°] alia qualibet causa, Christiana mancipia in domibus suis

l enim *H* b ligamina *CE-ER* lignamina *LC-Msi* c illis *H*
d autem *H* e *om. Cr3 Su* l naufragium *H* g crimen p. / . *Rm* tantum *omnes*
h invaluit *H* i condemnatur *H* k accepit *H* l dioecesani *H*
[™] neque *H* n suorum *add. 9.I. Rm* o vel *H*

35

l c. 2 X. III 48 (Fr 2, 652); cf. G. Schreiber, *Kurie und Kloster im 12. Jabrbundert*, II Stuttgart 1910, 21, 113.

* C. 22 in H. » c. 6 X. V 6 (Fr 2, 773).

4 c. 3 A. V 17 (Fr 2, 808-809); cf. W. Holtzmann, *Zur p pstlichen Geset gebung uber die Juden im 12. Jabrbundert*, Festschrift Guido Kitsch, Stuttgart 1955, 219-220.

* G 20 in H.

* c- 3 -V. V 19 (Fr 2, 812); cf. F. Schneider, *Dos kircbliche Zinsverbot und die kuriale Praxis im 13. Jabrbundert*, Festgabe . . . Heinrich Finke, M nster i. W. 1904, 143-144; T. P. McLaughlin, *The Teasbing oj the Canonists on Usury (XII, XIII and XIV Centuries)*, Mediaeval Studies 1 (1939) 10; 2 (1940) 4, 12 sqq.; G. Le Bras, *Usure*, DThC 15 (1948) 2342, 2365, 2366. ' C. 21 in H.

of piety should result in harm to others. We also declare that they should not be compelled to pay tithes for their gardens or the pasture of animals.¹²

24? Cruel avarice has so seized the hearts of some that though they glory in the name of Christians they provide the Saracens with arms and wood for helmets, and become their equals or even their superiors in wickedness and supply them with arms and necessities to attack Christians. There are even some who for gain act as captains or pilots in galleys or Saracen pirate vessels. Therefore we declare that such persons should be cut off from the communion of the church and be excommunicated for their wickedness, that catholic princes and civil magistrates should confiscate their possessions, and that if they are captured they should become the slaves of their captors. We order that throughout the churches of maritime cities frequent and solemn excommunication should be pronounced against them.³ Let those also be under excommunication who dare to rob Romans or other Christians who sail for trade or other honourable purposes. Let those also who in the vilest avarice presume to rob shipwrecked Christians, whom by the rule of faith they are bound to help, know that they are excommunicated unless they return the stolen property.⁴⁵

25? Nearly everywhere the crime of usury has become so firmly rooted that many, omitting other business, practise usury as if it were permitted, and in no way observe how it is forbidden in both the Old and New Testament. We therefore declare that notorious usurers should not be admitted to communion of the altar or receive Christian burial if they die in this sin. Whoever receives them or gives them Christian burial should be compelled to give back what he has received, and let him remain suspended from the performance of his office until he has made satisfaction according to the judgment of his own bishop?

26.7 Jews and Saracens are not to be allowed to have Christian servants in their houses, either under pretence of nourishing their children or for service or any

¹ ch. 2 *Deaetals* III 48 (Fr 2, 652); see G. Schreiber, *Kurie und Kloster im 12. Jahrhundert*, II Stuttgart 1910, 21, 113.

² Canon 22 in H. ³ ch. 6 *Decretals* V 6 (Fr 2, 773).

⁴ ch. 3 *Deaetals* V 17 (Fr 2, 808-809); see W. Holtzmann, *Zur päpstlichen Gesetzgebung Über die Juden im 12. Jahrhundert*, Festschrift Guido Kirsch, Stuttgart 1955, 219-220.

⁵ Canon 20 in H.

⁶ ch. 3 *Deaetals* V 19 (Fr 2, 812); see F. Schneider, *Das kirchliche Zinsverbot und die kuriale Praxis im 13. Jahrhundert*, Festgabe ... Heinrich Finke, Munster in Westphalia 1904, 143-144; T. P. McLaughlin, *The Teaching of the Canonists on Usury (XII, XIII and XIV Centuries)*, *Mediaeval Studies* 1 (1939) 110; 2 (1940) 4, 12 if.; G. Le Bras, *Usure*, DThC 15 (1948) 2342, 2365, 2366. ⁷ Canon 21 in H.

permittitur habere. Excommunicantur autem qui cum eis praesumpserint habitare. Testimonium quoque Christianorum adversus Iudaeos in omnibus causis, cum illi adversus christianos testibus suis utantur, recipiendum esse censemur, et anathemate decernimus feriendos, quicumque Iudaeos Christianis voluerint in hac parte praeferre, cum eos subiacere christianis oporteat et ab eis pro sola humanitate foveri. Si qui praeterea Deo inspirante ad fidem se convenerint christianam, a possessionibus suis nullatenus excludantur, cum melioris conditionis conversos ad fidem esse oporteat quam, antequam fidem acceperunt, habebantur. Si autem secus factum fuerit, principibus vel potestatibus eorundem locorum sub poena excommunicationis iniungimus, ut portionem hereditatis et bonorum suorum ex integro eis faciant exhiberi.^{2*}

27.8 Sicut ait beatus Leo⁴, licet ecclesiastica disciplina, sacerdotali contenta iudicio, cruentas non efficiat ultiones, catholicorum tamen principum constitutionibus adiuvatur, ut saepe quaerant homines salutare remedium, dum corporale super se metuunt evenire supplicium. Eapropter, quia in Gasconia Albigesio et partibus Tolosanis et aliis locis, ita haereticorum, quos alii Catharos, alii Patrinos[^], alii Publicanos, aliih aliis nominibus vocant, invaluit damnata perversitas, ut iam non in occulto sicut aliqui^{*} nequitiam suam exercent, sed suum errorem publice manifestent et ad suum consensum simplices attrahant et infirmos^{5*} eos et defensores eorum et receptores anathemati decernimus subiacere, et sub anathemate prohibemus, ne quis eos^k in domibus^l vel in terra sua tenere vel fovere vel negotiationem cum eis exercere praesumat. Si autem in hoc peccato decesserint, non sub nostrorum privilegiorum cuilibet⁰ indulgentiarum obtentu nec^{7l} sub alia cumque⁰ occasione, aut oblatio fiat pro eis aut inter christianos recipiant^P sepulturam.⁸ De Brabantionibus^{*!} et Aragonensibus, Navarriis, Basculis', Coterellis et Triaverdinis¹, qui tantam in christianos immanitatem exercent, ut nec ecclesiis nec monasteriis deferant, non viduis et pupillis, non senibus et pueris nec cuilibet parcant aetati aut sexui, sed more paganorum omnia perdant et vastent, similiter constituimus, ut qui eos conduxerint vel tenuerint vel foverint per

1 communibus *H* b antea quam *H* c suscipere *H* d cum *H* c seu *H*
i effugiat v. i. *Rm*, *H* g Patarenos r. l. *Sts LC-Msi* b edam *add. H*
35 i alibi *H* ipsos in domo *H* l aut *H* m neque *H*
n quibuscumque *H* o alia quacumque *H* P arripi-anr //
q Brabanconibus r. l. *Rm* r Baschis vJ. *Rm* > om. *H*
t non ... aut *H* « ipsi et *add. H*

1 Testimonium quoque ... foveri: c. 21 *X*. II 20 (Fr 2,322); cf. W. Holtzmann, *Zurpâst-
iieben Geset^gebung*... 217-224; S. W. Baron, *A Social and ReRgicus History of ibe Jews* IV
New York 1957, 8, 10, 15-16, 236, 238, 240.

1 Iudaei... habitare. Si qui praeterea ... exhiberi: c. 5 *X.N* 6 (Fr 2, 773).

1 C. 23,1 et II in *H*; c. 23, II inc.: De Brabantionibus ...

4 Cf. epistola XV ad Turribium (PL 54, 680 A).

4 Cf. A. Borst, *Die Kalbarer* (Schriften der MGH XU), Stuttgart 1953 115 247 n 1
250 n. 8. 4 c. 8 *X*. V 7 (Fr 2,779-780).

other reason. Let those be excommunicated who presume to live with them. We declare that the evidence of Christians is to be accepted against Jews in every case, since Jews employ their own witnesses against Christians, and that those who prefer Jews to Christians in this matter are to lie under anathema, since Jews ought to be subject to Christians and to be supported by them on grounds of humanity alone¹. If any by the inspiration of God are converted to the Christian faith, they are in no way to be excluded from their possessions, since the condition of converts ought to be better than before their conversion. If this is not done, we enjoin on the princes and rulers of these places, under penalty of excommunication, the duty to restore fully to these converts the share of their inheritance and goods.^{2*}

27? As St. Leo says⁴ though the discipline of the church should be satisfied with the judgment of the priest and should not cause the shedding of blood, yet it is helped by the laws of catholic princes so that people often seek a salutary remedy when they fear that a corporal punishment will overtake them. For this reason, since in Gascony and the regions of Albi and Toulouse and in other places the loathsome heresy of those whom some call the Cathars, others the Patarenes, others the Publicani, and others by different names, has grown so strong that they no longer practise their wickedness in secret, as others do, but proclaim their error publicly and draw the simple and weak to join them⁵, we declare that they and their defenders and those who receive them are under anathema, and we forbid under pain of anathema that anyone should keep or support them in their houses or lands or should trade with them. If anyone dies in this sin, then neither under cover of our privileges granted to anyone, nor for any other reason, is mass to be offered for them or are they to receive burial among Christians.⁶ With regard to the Brabanters, Aragonese, Navarrese, Basques, Coterelli and Triaverdinis, who practise such cruelty upon Christians that they respect neither churches nor monasteries, and spare neither widows, orphans, old or young nor any age or sex, but like pagans destroy and lay everything waste, we likewise decree that those who hire, keep or support them,

' omitted in *H*

¹ We declare ... alone; ch. 21 *Decretals* II 20 (Fr 2, 322); see W. Holtzmann, *Zur päpstlichen Gesetzgebung* ... 217-224; S. W. Baron, *A Social and Religious History of the Jews*, IV New York 1957, 8, 10, 15-16, 236, 238, 240.

² Jews and ... live with them. If any ... goods: ch. 5 *Decretals* V 6 (Fr 2, 773).

⁵ Canon 23, I and II in *H*; canon 23, II begins: With regard to the Brabanters ...

⁴ See letter 15 to Turribius (PL 54, 680 A).

⁵ See A. Borst, *Die Katharer* (Schriften der MGH XII), Stuttgart 1953, 115, 247 n. 1, 250 n. 8.

⁶ ch. 8 *Decretals* V 7 (Fr 2, 779-780).

regiones, in quibus taliter debacchantur, in dominicis et aliis solemnibus diebus per ecclesias³ publice denuntientur^l et eadem omnino sententia et poena cum praedictis haereticis habentur adstricti nec ad communionem recipiantur ecclesiae, nisi societate illa pestifera et haeresi abiuratis. Relaxatos autem se noverint a debito fidelitatis et hominii ac totius obsequii, donec in tanta iniquitate permanserint, quicumque illis aliquo pacto tenentur annexi. Ipsius autem cunctisque fidelibus in remissionem* peccatorum iniungimus, ut tantis cladibus se viriliter opponant et contra eos armis populum Christianum tueantur; confiscenturque eorum bona et liberum sit principibus huiusmodi homines subicere servituti. Qui autem in vera poenitentia ibi decesserint, et peccatorum indulgentiam et fructum mercedis aeternae se non dubitent percepturos^l. Nos etiam de misericordia Dei et beatorum apostolorum Petri et Pauli auctoritate confisi, fidelibus Christianis, qui contra eos arma susceperint et ad episcoporum seu aliorum praelatorum consilium ad eos certaverint expugnandos, biennium de poenitentia iniuncta relaxamus, aut si longiorem ibi moram habuerint, episcoporum discretioni, quibus huius rei curam fuerit iniuncta, committimus, ut ad eorum arbitrium secundum modum laboris maior eis indulgentia tribuatur. Illos autem, qui admonitioni episcoporum in huiusmodi parte parere contempserint, a perceptione corporis et sanguinis Domini iubemus fieri alienos. Interim vero eos, qui ardore fidei ad eos expugnandum laborem istum assumpserint, sicut eos qui sepulchrum Dominicum visitant, sub ecclesiae defensione recipimus et ab universis inquietationibus tam in rebus quam in personis statuimus manere securos^l. Si vero quispiam vestrum praesumpserit eos molestare, per episcopum loci excommunicationis sententia feriatur, et tamdiu sententia servetur* ab omnibus, donec et ablata reddantur et de illatis damnis congrue iterum satisfaciat^l. Episcopi vero sive presbyteri, qui talibus fortiter non restiterint, officii sui privatione mulctentur, donec misericordiam apostolicae sedis obtineant.

a excommunicati *add. v. l. Rmt H* b nuntientur *H*

c seu *H* d pacto *f. l. Rm peccato rell.* e principibus *H* f omnium *add. v. l. Ran*

* confiscentur quoque *H* h pestilentes *add. H* i habituros *H* k sive *H*

l certaverint *r. l. seu potitu con. LC decertando omnes decertaverint H*

m cura *r. l. Rm causa rell.* n om. *H* o om. *Ct 2 Su* p istum *f. l. Rm iustum rell.*

q Domini *H* * quisquam interim *H* » observetur *H*

r satisfiat *H* u suspensione *H*

1 Cf. A. Gottlob, *Kreugablaß und Almosenablaß* — Stuttgart 1906, 124-128; H. Pissard, *La guerre sainte en pays chrétien* — Paris 1912, 27-34, 51-53; H. Grundmann, *Religiose Bewegungen im Mittelalter*, Berlin 1935, 54, 57, 63 sqq., 77, 92 sq., 98, 453.

in the districts where they rage around, should be denounced publicly on Sundays and other solemn days in the churches, that they should be subject in every way to the same sentence and penalty as the above-mentioned heretics, and that they should not be received into the communion of the church, unless they abjure their pernicious society and heresy. As long as such people persist in their wickedness, let all who are bound to them by any pact know that they are free from all obligations of loyalty, homage or any obedience. On thesee and on all the faithful we enjoin, for the remission of sins, that they oppose this scourge with all their might and by arms protect the Christian people against them. Their goods are to be confiscated and princes free to subject them to slavery. Those who in true sorrow for their sins die in such a conflict should not doubt that they will receive forgiveness for their sins and the fruit of an eternal reward. We too, trusting in the mercy of God and the authority of the blessed apostles Peter and Paul, grant to faithful Christians who take up arms against them, and who on the advice of bishops or other prelates seek to drive them out, a remission for two years of penance imposed on them, or, if their service shall be longer, we entrust it to the discretion of the bishops, to whom this task has been committed, to grant greater indulgence, according to their judgment, in proportion to the degree of their toil. We command that those who refuse to obey the exhortation of the bishops in this matter should not be allowed to receive the body and blood of the Lord. Meanwhile we receive under the protection of the church, as we do those who visit the Lord's sepulchre, those who fired by their faith have taken upon themselves the task of driving out these heretics, and we decree that they should remain undisturbed from all disquiet both in their property and persons¹. If any of you presumes to molest them, he shall incur the sentence of excommunication from the bishop of the place, and let the sentence be observed by all until what has been taken away has been restored and suitable satisfaction has been made for the loss inflicted. Bishops and priests who do not resist such wrongs are to be punished by loss of their office until they gain the pardon of the apostolic see.

e princes *H*

¹ See A. Gottlob, *Kreuzabläßi und Almosenabläßi* ..., Stuttgart 1906, 124-128; H. Pissard, *La Guerre sainte en pays chrétien* Paris 1912, 27-34, 51-53; H. Grundmann, *Religiose Bewegungen im Mittelalter*, Berlin 1935, 54, 57, 63 ff., 77, 92 ff., 98, 453.

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1215

INTRODUCTION

During the pontificate of Innocent III (1198-1216) there appears to have occurred much growth in the reform of the church and in its freedom from subservience to the empire as well as in the primacy of the bishop of Rome and in the summoning of ecclesiastical business to the Roman curia. Innocent himself, turning his whole mind to the things of God, strove to build up the Christian community. Spiritual things, and therefore the church, were to have first place in this endeavour; so that human affairs were to be dependent upon, and to draw their justification from, such considerations¹.

The council may therefore be regarded as a great summary of the pontiff's work and also as his greatest initiative. He was not able, however, to bring it to completion since he died shortly afterwards (1216). Christian disasters in the holy Land probably provided the occasion for Innocent to call the council². Thus the pontiff ordered a new crusade to be proclaimed. But he also used the crusade as an instrument of ecclesiastical administration, combined with reform of the church, namely in a fierce war against heretics which he thought would restore ecclesiastical society.

The council was summoned on 19 April 1213 to meet in November 1215³. All the bishops and abbots of the church as well as priors and even (which was new) chapters of churches and of religious orders — namely Cistercians, Premonstratensians, Hospitallers and Templars — and the kings and civil authorities throughout Europe were invited. The bishops were explicitly asked to propose topics for discussion at the council⁴, something which does not seem to have happened at the preceding Lateran councils. This was done by the legates who had been despatched throughout Europe to preach the crusade. In each province only one or two bishops were allowed to remain at home; all the rest were ordered to be present. The purposes of the council were clearly set forth by Innocent himself: “to eradicate vices and to plant virtues, to correct faults and to reform morals, to remove heresies and to strengthen faith, to settle discords and to establish peace, to get rid of oppression and to foster liberty, to induce princes and Christian people to come to the aid and succour of the holy Land . . .”⁵. It seems that when Innocent summoned the council he wished to observe the

¹ See among others, H. Tillmann, *Papst Innocenz III*, Bonn 1954, 152 ff. (*Pope Innocent III*, trans. W. Sax, Amsterdam 1980, 189 ff.); M. Maccarrone, *III^o concilio lateranense*, Divinitas 5 (1961) 277-278.

² See Maccarrone 275.

⁵ See Potthast 4706; Bôhmcr, *Reg. Imp.*, 6140; PL 216, 823-827.

⁴ See PL 216, 825. ⁵ See PL 216, 824.

customs of the early ecumenical councils⁶, and indeed this fourth Lateran council was regarded as an ecumenical council by all learned and religious men of the age⁷.

When the council began in the Lateran basilica in November 1215 there were present 404 bishops from throughout the western church, and from the Latin eastern church a large number of abbots, canons and representatives of the secular power. No Greeks were present, even those invited, except the patriarch of the Maronites and a legate of the patriarch of Alexandria⁸. The bond with the Greek church was indeed neglected, and matters became more serious through the actions of Latin bishops living in the east or through the decrees of the council⁹.

The council began on 11 November with the pontiff's sermon. He was especially looking for a religious outcome to the council. Soon, however, secular matters and power politics came to the fore. At the second session (on 20 November) the struggle for the empire between Frederick II and Otto IV was brought before the council and gave rise to a bitter and contentious debate. This affected the nature of the council in a way that had not been foreseen and revealed a certain ineffectiveness in Innocent's plans for governing the church. Finally, the third session (on 30 November) was devoted to reading and approving the constitutions, which were proposed by the pontiff himself. The last decree dealt with preparations for a crusade — "Jesus Christ's business" — and fixed 1 June 1217 for its start, though this was prevented by the pontiff's death.

The seventy constitutions would seem to give proof of the council's excellent results. The work of Innocent appears clearly in them even though they were probably not directly composed by him. He regarded them as universal laws and as a summary of the jurisdiction of his pontificate. Few links with earlier councils survive, those with the third Lateran council being the only relevant ones of which we know¹⁰. Thus, the first constitution is regarded as a new profession of faith. The second and third constitutions, which deal with heretics and contain dogmatic statements, are new. The remainder, which deal with the reform of the church, appear for the most part to be new either in form or in content. They deal with the church's discipline (6-13), the reform of clerical morals (14-22), episcopal elections and the administration of benefices (23-32), exaction of taxes (33-34), canonical suits (35-49), matrimony (50-52), tithes (53-61), simony (63-66), and Jews (67-70)¹².

The constitutions were first edited by Cr1 2 (1538) CLXV-CLXXHV, the text of which was used in Cr2 2 (1551) 946-967, Su 3 (1567) 735-756, and Bn1 3/2 (1606) 1450-1465. Roman editors produced a more accurate edition (Rm 4 [1612] 43-63), collating the common text "with manuscript codices from the Vatican". Rm was followed by Bn2 3/2 (1618) 682-696 and ER 28 (1644) 154-225. LC 11/1 (1671) 142-233 provided a text "in Greek and Latin.....

6 See PL 216, 824.

7 See G. Fransen, *Le concile*. 125-41.

* See A. Luchaire, *Un document retrouvé*. Journal de savants, N.S. 3 (1905) 557-567; S. Ketrzynski, *Wtadomosc o udziale Polakow w IV soborze Lateranskim*, Przegląd historyczny 3 (1906) 139-142; J. Werner, *Nachlese aus Zürcher Handschriften*, Neues Archiv 31 (1906) 583-592; H. Krabbe, *Die deutschen Bischöfe auf dem vierten Laterankonzil 1215*, Quellen und Forschungen aus den italienischen Archiven und Bibliotheken 10 (1907) 275-300; Maccarrone 279.

⁹ See Maccarrone 274-275.

¹⁰ See PL 217, 673-680.

¹¹ See constitutions 11, 29, 33, 46, 61.

¹² See Fliche, *La chrétienté* 197-211.

from a Mazarin codex" (= M) with various readings from a d'Achery codex (=A), The Greek translation, however, which LC had thought to be contemporary, does not provide a complete text and was taken from a later codex. LC was followed by Hrd 7 (1714) 15-78, Cl 13 (1730) 927-1018, and Msi 22 (1778) 981-1068. There are many surviving manuscripts of the constitutions, as has been shown by Garcia, who is preparing a critical edition¹³ That is to say, twenty manuscripts containing the constitutions and twelve others containing the constitutions together with commentaries¹⁴; and probably there are others which are not yet known¹⁵. The constitutions were taken into *Compilatio IV* except 42 and [71], and into *Decretalia* of Gregory IX, except 42, 49 and [71]¹⁶. The present edition follows the Roman edition, but all the variant readings that have so far been brought to light by scholars have been cited in the critical apparatus.

BIBLIOGRAPHY: H-L 5/2 (1913) 1316-1398; DThC 8 (1925) 2652-2667; EC 7 (1951) 935-936; DDrC 6 (1957) 349-353; LThK 6 (21961) 816-817; NCE 8 (1967) 406-410; HC 4 (1980) 166-172; A. Luchaire, *Innocent III et le quatrième concile du Latran*, Revue historique 97 (1908) 225-263; 98 (1908) 1-21; idem, *Innocent III. Le concile de Latran et la réforme de l'église*, Paris 1908; E. Kantorowicz, *Kaiser Friedrich der Zweite*, Berlin 1931, 168, 134; II 32, 54; M. Gibbs and J. Lang, *Bishops and Reform, 1215-1272, with Special Reference to the Lateran Council of 1215*, Oxford 1934, 95-173; H. J. Schroeder, *Disciplinary Decrees of the General Councils*, St. Louis, Mo. — London 1937, 236-296; A. Fliche, *Innocent III et la réforme de l'église*, Revue d'histoire ecclésiast. 44 (1949) 144-152; idem, *Le IV^e concile du Latran*, in *La chrétienté romaine (1198-1274)*, Paris 1950, 194-211; H. Tillmann, *Innocenz III* Bonn 1954, 152-170 (*Pope Innocent III*, trans. W. Sax, Amsterdam 1980, 189-203); A. Garcia y Garcia, *El concilio IV de Letran (1215) y sus comentarios*, Traditio 14 (1958) 484-502; idem, *Los comentarios de los canonistas a las constituciones del Concilio IV de Letran (1215)*, Congrès de droit canonique médiéval, Louvain et Bruxelles 22-26 juillet 1958, Louvain 1959, 151-160; G. Fransen, *L'ecclésiologie des conciles médiévaux*, in *Le concile*, 125-141; M. MacCarrone, *Il IV concilio lateranense*, Divinitas 5 (1961) 270-298; S. Kuttner and A. Garcia y Garcia, *A new eyewitness account of the Fourth Lateran Council*, Traditio 20 (1964) 115-178; R. Foreville, *Latran I, II, III et Latran IV* (Histoire des Conciles 6) Paris 1965; M. Mollat and P. Tombeur, *Les conciles Latran I à Latran IV: concordance, index, listes de fréquence, tables comparatives* (Conciles oecuméniques médiévaux 1) Louvain 1974.

¹¹ Subsequently published as: *Constitutiones Concilii quarti Lateranensis una cum Commentariis glossatum*, ed. A. Garcia y Garcia, Monumenta Iuris Canonici, ser. A, vol. 2, Vatican City 1981. This is now the definitive edition of the council's constitutions. It contains a very full critical apparatus as well as the commentaries of five glossators. With regard to the text of the constitutions, however, the differences between it and the version printed below are very minor. — Editor's note.

¹⁴ See A. Garcia y Garcia, Traditio 14 (1958) 484, 488-489. For the number and headings of the constitutions, see id. 487, 489-490.

¹⁵ E.g., codex Lisbon, Alcob. 173 (see C. Erdmann, *Papsturkunden in Portugal*, Berlin 1927, 120) and Rome, Archivio del Laterano, A 33 (see C. Vogel, *La "Descriptio ecclesiae Lateranensis" du diacre Jean* Mélanges ... Michel Andrieu, Strasbourg 1956, 463); see also Gibbs-Lang 182.

¹⁶ See among others, F. Gillmann, *Der Kommentar des Vincentius Hispanus zu den Kanones des vierten Laterankonzils (1215)*, Archiv für katholischs Kirchenrecht 109 (1929) 223-274; S. Kuttner, *Damasus als Glossator*, Zeitschrift der Savigny-Stiftung für Rechtsgeschichte. Kan. Abteil., 23 (1934) 388-389; idem, *Repertorium der Kanonistik*, I Vatican City 1937, 369-371; F. Gillmann, *Hat Johannes Teutonicus zu den Konstitutionen des 4. Laterankonzils (1215) als solchen einen Apparat verfaßt*, Archiv für katholisches Kirchenrecht 117 (1937) 453-466; S. Kuttner, *Johannes Teutonicus, das vierte Laterankonzil und die Compilatio quarta*, Miscellanea Giovanni Mercati, V Vatican City 1946, 608-634; A. Garcia y Garcia, Traditio 14 (1958) 484-486, 490-502.

TEXT AND TRANSLATION

CONSTITUTIONES

I. De fide catholica

Firmiter credimus et simpliciter confitemur, quod unus solus est verus Deus, aeternus et immensus, omnipotens, incommutabilis, incomprehensibilis et ineffabilis, Pater et Filius et Spiritus sanctus, tres quidem personae sed una essentia, substantia seu natura simplex omnino¹. Pater a nullo, Filius autem a solo Patre ac Spiritus sanctus ab utroque pariter, absque initio semper et fine. Pater generans, Filius nascens et Spiritus sanctus procedens, consubstantiales et coaequales, coomnipotentes et coaeterni, unum universorum principium, creator omnium invisibilium et visibilium, spiritualium et corporalium, qui sua omnipotenti virtute simul ab initio temporis, utramque de nihilo condidit creaturam, spirituales et corporales, angelicam videlicet et mundanam, ac deinde humanam quasi communem ex spiritu et corpore constitutam. Diabolus enim et daemones alii a Deo quidem natura creati sunt boni, sed ipsi per se facti sunt mali. Homo vero diaboli suggestionem peccavit. Haec sancta Trinitas secundum communem essentiam individua et secundum personales proprietates discreta, per Moysen et sanctos prophetas aliosque famulos suos, iuxta ordinatissimam dispositionem temporum, doctrinam humano generi tribuit salutarem. Et tandem unigenitus Dei Filius, Iesus Christus, a tota Trinitate communiter incarnatus, ex Maria semper virgine Spiritus sancti cooperatione conceptus, verus homo factus, ex anima rationali et humana carne compositus, una in duabus naturis persona, viam vitae manifestius demonstravit. Qui cum secundum divinitatem sit immortalis et impassibilis, idem ipse secundum humanitatem factus est passibilis et mortalis, quin etiam pro salute humani generis in ligno crucis passus et mortuus, descendit ad inferos, resurrexit a mortuis et ascendit in coelum; sed descendit in anima, resurrexit in carne ascenditque pariter in utroque, venturus in fine saeculi iudicare vivos et mortuos, et redditurus singulis secundum opera sua, tam reprobis quam electis. Qui omnes cum suis propriis corporibus resurgent, quae nunc gestant, ut recipiant secundum merita sua, sive bona fuerint sive mala, illi cum diabolo poenam perpetuam et isti cum Christo gloriam sempiternam. Una vero est fidelium universalis ecclesia, extra quam nullus omnino salvatur, in qua idem ipse sacerdos et sacrificium Iesus Christus, cuius corpus et sanguis in sacramento altaris sub speciebus panis et vini veraciter continentur, transsubstantiatis pane in corpus et vino in sanguinem potestate divina, ut ad perficiendum mysterium unitatis accipiamus ipsi de suo, quod accepit ipse de nostro. Et hoc utique sacramentum nemo potest conficere, nisi sacerdos, quibus fuerit rite ordinatus secundum claves ecclesiae, quas ipse concessit apostolis et eorum successoribus Iesus Christus. Sacramentum vero baptismi², quod ad invocationem individuae Trinitatis, videlicet Patris et Filii et Spiritus sancti, consecratur in aqua, tam parvulis quam adultis in forma ecclesiae a quocunque rite collatum,

a tres quidem ... omnino *om.* *Cr* b *ow.* *Cr* c baptismi vero *Cr*

CONSTITUTIONS

/. *On the catholic faith*

We firmly believe and simply confess that there is only one true God, eternal and immeasurable, almighty, unchangeable, incomprehensible and ineffable, Father, Son and holy Spirit, three persons but one absolutely simple essence, substance or nature'. The Father is from none, the Son from the Father alone, and the holy Spirit from both equally, eternally without beginning or end; the Father generating, the Son being born, and the holy Spirit proceeding; consubstantial and coequal, co-omnipotent and coeternal; one principle of all things, creator of all things invisible and visible, spiritual and corporeal; who by his almighty power at the beginning of time created from nothing both spiritual and corporeal creatures, that is to say angelic and earthly, and then created human beings composed as it were of both spirit and body in common. The devil and other demons were created by God naturally good, but they became evil by their own doing. Man, however, sinned at the prompting of the devil.

This holy Trinity, which is undivided according to its common essence but distinct according to the properties of its persons, gave the teaching of salvation to the human race through Moses and the holy prophets and his other servants, according to the most appropriate disposition of the times. Finally the only-begotten Son of God, Jesus Christ, who became incarnate by the action of the whole Trinity in common and was conceived from the ever virgin Mary through the cooperation of the holy Spirit, having become true man, composed of a rational soul and human flesh, one person in two natures, showed more clearly the way of life. Although he is immortal and unable to suffer according to his divinity, he was made capable of suffering and dying according to his humanity. Indeed, having suffered and died on the wood of the cross for the salvation of the human race, he descended to the underworld, rose from the dead and ascended into heaven. He descended in the soul, rose in the flesh, and ascended in both. He will come at the end of time to judge the living and the dead, to render to every person according to his works, both to the reprobate and to the elect. All of them will rise with their own bodies, which they now wear, so as to receive according to their deserts, whether these be good or bad; for the latter perpetual punishment with the devil, for the former eternal glory with Christ.

There is indeed one universal church of the faithful, outside of which nobody at all is saved, in which Jesus Christ is both priest and sacrifice. His body and blood are truly contained in the sacrament of the altar under the forms of bread and wine, the bread and wine having been changed in substance, by God's power, into his body and blood, so that in order to achieve this mystery of unity we receive from God what he received from us. Nobody can effect this sacrament except a priest who has been properly ordained according to the church's keys, which Jesus Christ himself gave to the apostles and their successors. But the sacrament of baptism is consecrated in water at the invocation of the undivided Trinity — namely Father, Son and holy Spirit — and brings salvation to both children and adults when it is correctly carried out by anyone in the form laid down by the church. If someone falls into sin after having received baptism,

¹ three persons ... nature *omitted in Cr.*

proficit ad salutem. Et si post susceptionem baptismi quisquam prolapsus fuerit in peccatum, per veram poenitentiam semper potest reparari. Non solum autem virgines et continentes, verum etiam coniugati, per fidem rectam et operationem bonam.* placentes Deo, ad aeternam merentur beatitudinem pervenire.¹

5

2. De errore abbatis loachim

Damnamus ergo et reprobamus libellum sive tractatum, quem abbas loachim edidit contra magistrum Petrum Lombardum de unitate seu essentia Trinitatis², appellans ipsum⁶ haereticum et insanum, pro eo quod in suis dixit *Sententiis*: „Quoniamc quaedam summa res est Pater et Filius et Spiritus sanctus, et illa non est generans neque genita nec procedens**³, unde asserit, quod ille non tam Trinitatem quam quaternitatem adstruebat in Deo, videlicet tres personas et illam communem essentiam quasi quartam, manifeste protestans, quod nulla res est quae sit Pater et Filius et Spiritus sanctus, nec est essentia nec substantia nec natura, quamvis concedat quod Pater et Filius et Spiritus sanctus sunt una essentia, una substantia, unaque natura; verum unitatem huiusmodi non veram et propriam, sed quasi collectivam et similitudinariam esse fatetur⁴*, quemadmodum dicuntur multi homines unus populus, et multi fideles una ecclesia, iuxta illud: *Multitudinis credentium erat cor unum et anima una**,²⁰ et *adhaeret Deo unus spiritus est*⁶ cum b illob; item *Qui plantat et qui rigat unus sunt*¹, et omnes *unum corpus sumus in Christe?*; rursus in libro Regum: *Populus meus et populus tuus unum sunt*⁹. Ad hanc aurem sententiam adstruendam, illud potissimum verbum inducit, quod Christus de fidelibus inquit in evangelio: Volo, Pater, *ut sint unum* in nobis, *sicut et nos unus sumus*¹⁰,²⁵ *ut sint consummati in unum*^{xx}. Non enim, ut ait, fideles Christi sunt^f unum, id est una quaedam res quae communis sit omnibus, hic modo sunt unum, id est una ecclesia propter catholicae fidei unitatem et tandem unum regnum propter unionem indissolubilis caritatis. Quemadmodum

a et sic add. Cr b om. Cr c quomodo Cr

30

d suam add. Cr e Iesus add. Cr f enim ait ut... sint Cr

B hoc modo r. l. Rm hic am. M sed tantum sint Cr

¹ c. 1 X. I 1 (Fr 2,5-6); cf. F. Vernet, DThC 1 (1909) 683-685; Fliche 200; A. Borst, *Die Katbartr* (Schriften der MGH, XII), Stuttgart 1953, 119 et n. 35; Tillmann 7,159; Maccarrone 286-287, 293; cf. et^{rit} DThC 2 (1909) 281-282; 5 (1913) 1302-1320.

² Opus deperditum loachimi abbatis Florentis; cf. J. C. Huck, *Joachim pon Floris and die joachitische Literatar*, Freiburg i. Br. 1938, 6, 16-21; H. Grundmann, *Neue Forschungen Uber Joachim von Fiore*, Marburg 1950, 30; F. Russo, *Bibliografia gioachimita*, Firenze 1954, 23; *Adversus Iadaeos* di Gioacchino da Fiore (Fonti per la storia d'Italia, 95), ed. A. Frugoni, Roma 1957, XII-XVIII; F. Russo, *Gioacchino da Fiore e le fondations florenti in Calabria*, Napoli 1958, 24.

³ Cf. Petri Lombardi *Libri IV sententiarum*, I dist. 5 (Ad Claras Aquas 1916, I, 42-51).

• Cf. ibid. I, dist. 24 (1,153-156).

• Ac 4,32. • 1 Cor 6,17. • 7 1 Cor 3,8. • Rm 12, 5.

• 4 Rg 22,5; cf. Rt 1,16. • 10 Io 17,22. • u Io 17, 23.

he or she can always be restored through true penitence. For not only virgins and the continent but also married persons find favour with God by right faith and good actions and deserve to attain to eternal blessedness?

2. On the error of abbot Joachim

We therefore condemn and reprove that small book or treatise which abbot Joachim published against master Peter Lombard concerning the unity or essence of the Trinity', in which he calls Peter Lombard a heretic and a madman because he said in his *Sentences*, "For there is a certain supreme reality which is the Father and the Son and the holy Spirit, and it neither begets nor is begotten nor does it proceed"¹. He asserts from this that Peter Lombard ascribes to God not so much a Trinity as a quaternity, that is to say three persons and a common essence as if this were a fourth person. Abbot Joachim clearly protests that there does not exist any reality which is the Father and the Son and the holy Spirit — neither an essence nor a substance nor a nature — although he concedes that the Father and the Son and the holy Spirit are one essence, one substance and one nature. He professes, however, that such a unity is not true and proper but rather collective and analogous⁴ in the way that many persons are said to be one people and many faithful one church, according to that saying: *Of the multitude of believers there was one heart and one mind?*, and *Whoever adheres to God is one spirit*⁶ with him; again *He who plants and he who waters are one*⁷ and all of us *are one body in Christ*^{*}, and again in the book of Kings, *My people and your people are one*⁹. In support of this opinion he especially uses the saying which Christ uttered in the gospel concerning the faithful: I wish, Father, *that they may be one in us, just as we are one*¹⁰ *so that they may be made perfect in one*¹. For, he says, Christ's faithful are not one in the sense of a single reality which is common to all. They are one only in this sense, that they form one church through the unity of the catholic faith, and finally one kingdom through a union of indissoluble charity. Thus we read in the canonical letter of John: *For there*

¹ ch. 1, *Decretals*, I 1 (Fr 2, 5-6); see F. Vernet, DThC 1 (1909) 683-685; Fliche 200; A. Borst, *Die Katharer* (Schriften der MGH, XII), Stuttgart 1953, 119 and n. 35; Tillmann 7, 159 (trans. Sax 4, 195); Maccarrone 286-287, 293; see also DThC 2 (1909) 281-282; 5 (1913) 1302-1320.

² This work of Joachim, abbot of Fiore, has been lost; see j. C. Huck, *Joachim von Floris and die joachitische Literatur*, Freiburg in Breisgau 1938, 6, 16-21; H. Grundmann, *Nene Forschungen Über Joachim von Fiore*, Marburg 1950, 30; F. Russo, *Bibliografia giochimita*, Florence 1954, 23; *Adversus Iudaeos di Gioacchino da Fiore* (Fonti per la storia d'Italia, 95), ed. A. Frugoni, Rome 1957), XII-XVIII; F. Russo, *Gioacchino da Fiore e le fondazioni forensi in Calabria*, Naples 1958, 24.

³ See Peter Lombard, *Libri VI sententiarum*, I dist. 5 (Quaracchi 1916, I, 42-51).

⁴ See *ibid.* 1, dist. 24 (I, 153-156).

⁵ Ac 4, 32.

⁶ 1 Cor 6, 17.

⁷ 1 Cor 3, 8.

⁸ Rm 12, 5.

⁹ 4 Kg 22, 5; see Rt 1, 16.

¹⁰ Jn 17, 22.

¹¹ Jn 17, 23.

in canonica Ioannis epistola legitur: *Quia tres sunt, qui testimonium dant in coelo, Pater et Verbum et Spiritus sanctus, et hi tres unum sunt*¹; statimque subiungit: *Et tres sunt, qui testimonium dant in terra, spiritus, aqua et sanguis, et tres unum sunt*^{*}, sicut in codicibus quibusdam invenitur³. Nos autem, s
sacro et universali concilio approbante, credimus et confitemur cum Petro, quod una quaedam summa^{*} res est, incomprehensibilis quidem et ineffabilis^{ll}, quae veraciter est Pater et Filius et Spiritus sanctus, tres simul personae ac sigillatim quaelibet earundem, et ideo in Deo Trinitas est solummodo non quaternitas, quia quaelibet trium personarum est illa
10 res, videlicet substantia, essentia sive natura divina, quae sola est universorum principium, praeter quod aliud inveniri non potest, et illa res non est generans neque genita nec procedens, sed est Pater qui generat, Filius qui gignitur et Spiritus sanctus qui procedit, ut distinctiones sint in personis et unitas in natura. Licet igitur alius sit Pater, alius Filius, alius Spiritus
is sanctus, non tamen aliud, sed id quod est Pater, estd Filius et Spiritus sanctus, idem omnino, ut secundum orthodoxam et catholicam fidem consubstantiales esse credantur. Pater enim ab aeterno Filium generando, suam substantiam ei dedit, iuxta quod ipse testatur: *Pater quod dedit mihi, maius est omnibus*^{*}, ac dici non potest, quod partem suae substantiae illi
20 dederit et partem retinuerit ipse sibi, cum substantia Patris indivisibilis sit, utpote simplex omnino; sed nec dici potest, quod Pater in Filium transtulerit[®] suam substantiam generando, quasi sic dederit eam Filio, quod non retinuerit ipsam sibi, alio quin desiisset esse substantia. Patet ergo, quod sine ulla diminutione Filius nascendo substantiam Patris accepit, et ita Pater et Filius habent eandem substantiam, et sic eadem res est Pater et Filius necnon^{*} et Spiritus sanctus, abf utroquef procedensf. Cum ergo Veritas pro fidelibus suis ad Patrem orat: volo, inquit, ut ipsi *sint unum in nobis, sicut et nos unum sumus*^P, hoc nomen, *unum*, pro fidelibus quidem accipitur, ut intelligatur unio caritatis in gratia, pro personis vero divinis, ut attendatur identitatis in natura unitas, quemadmodum Veritas alibi ait: *Estote perfecti sicut et Pater vester coelestis perfectus est*^{*}, ac si diceret manifestius: *Estote perfecti perfectione gratiae, sicut Pater vester coelestis perfectus est*^{*} perfectione naturae, utraque videlicet suo modo, quia inter creatorem et creaturam non potest tanta similitudo notari, quin inter eos maior sit dissimilitudo notanda. Si quis igitur sententiam sive doctrinam praefati Ioachim in hac parte defendere vel approbare praesumpserit, tamquam haereticus ab omnibus confutetur^{ll}. In nullo tamen per hoc Florensi monasterio, cuius ipse Ioachim exstitit institutor, volumus derogari, quoniam ibi^{*} et^{*} regularis institutio est et

<0 * *om. Cr* b *inaestimabilis Cr* c *quam Cr*
d et *add. Cr* e *transtulit Cr* f *om. M* g *ac si... est om. Cr*
h *confitetur M* i *evitetur f. i. Rm*

» 110 5,7. l l Io 5, 8.

* Cf. apparat, et bibliogr. apud *Norim testamentum ...*, edd. J. Wordsworth, H. J. White, H. F. Davis Sparks, A. White Adams, HI Oxonii 1954, 373-374.

« Io 10,29. ‘ Io 17, 22. · Mt 5,48.

■ire *three that bear witness in heaven, the Father and the Word and the holy Spirit, and these three are one*¹; and he immediately adds, *And the three that bear witness on earth are the spirit, water and blood, and the three are one*², according to some manuscripts⁵.

We, however, with the approval of this sacred and universal council, believe and confess with Peter Lombard that there exists a certain supreme reality, incomprehensible and ineffable, which truly is the Father and the Son and the holy Spirit, the three persons together and each one of them separately. Therefore in God there is only a Trinity, not a quaternity, since each of the three persons is that reality — that is to say substance, essence or divine nature — which alone is the principle of all things, besides which no other principle can be found. This reality neither begets nor is begotten nor proceeds; the Father begets, the Son is begotten and the holy Spirit proceeds. Thus there is a distinction of persons but a unity of nature. Although therefore the Father is one person, the Son another person and the holy Spirit another person, they are not different realities, but rather that which is the Father is the Son and the holy Spirit, altogether the same; thus according to the orthodox and catholic faith they are believed to be consubstantial. For the Father, in begetting the Son from eternity', gave him his substance, as he himself testifies: *What the Father gave me is greater than all*^{*}. It cannot be said that the Father gave him part of his substance and kept part for himself since the Father's substance is indivisible, inasmuch as it is altogether simple. Nor can it be said that the Father transferred his substance to the Son, in the act of begetting, as if he gave it to the Son in such a way that he did not retain it for himself; for otherwise he would have ceased to be substance. It is therefore clear that in being begotten the Son received the Father's substance without it being diminished in any way, and thus the Father and the Son have the same substance. Thus the Father and the Son and also the holy Spirit proceeding from both are the same reality.

When, therefore, the Truth prays to the Father for chose faithful to him, saying I wish that *they may be one in us just as we are one*⁵, this word *one* means for the faithful a union of love in grace, and for the divine persons a unity of identity in nature, as the Truth says elsewhere, *You must be perfect as your heavenly Father is perfect*⁶, as if he were to say more plainly, *You must be perfect in the perfection of grace, just as your Father is perfect*[^] in the perfection that is his by nature, each in his own way. For between creator and creature there can be noted no similarity so great that a greater dissimilarity cannot be seen between them. If anyone therefore ventures to defend or approve the opinion or doctrine of the aforesaid Joachim on this matter, let him be refuted by all as a heretic. By this, however, we do not intend anything to the detriment of the

* is **if**.....perfect omitted in Cr.

¹ 1 Jn 5, 7. ² 1 Jn 5, 8.

⁵ See the apparatus and bibliography in *Novum Testamentum* . . . edd. J. Wordsworth, H. J. White, H. F. Davis Sparks, A. White Adams, III Oxford 1954, 373-374.

⁴ Jn 10, 29. ³ 4Jn 17, 22. ⁶ Mt 5, 48.

observantia salutaris, maxime cum idem Ioachim omnia scripta sua nobis assignari mandaverit, apostolicae sedis iudicio approbanda seu etiam corrigenda, dictans epistolam¹, cui propria manu subscripsit, in qua firmiter confitetur, se illam fidem tenere, quam Romana tenet ecclesia, quae cunctorum fidelium, disponente Domino, mater est et magistra². Reprobamus etiam et damnamus perversissimum dogma impii Amalrici³, cuius mentem sic pater mendacii excaecavit, ut eius doctrina non tam haeretica censenda sit, quam insana.⁴

3. De haeticis

Excommunicamus et anathemizamus omnem haeresim extollentem se adversus hanc sanctam, orthodoxam, catholicam fidem, quam superius exposuimus, condemnantes universos haeticos quibuscumque nominibus censeantur, facies quidem habentes diversas, sed caudas adinvicem colligatas, quia de vanitate⁵ conveniunt in idipsum. Damnati vero saecularibus potestatibus praesentibus aut eorum balivis relinquuntur, animadversione debita puniendi, clericis prius a suis ordinibus degradatis, ita quod bona huiusmodi damnatorum, si laici fuerint, confiscentur, si vero clerici, applicentur ecclesiis, a quibus stipendia perceperunt. Qui autem inventi fuerint sola suspicione notabiles, nisi iuxta considerationes⁶ suspicionis qualitatemque personae propriam innocentiam congrua purgatione monstraverint, anathematis gladio feriantur, et usque ad satisfactionem condignam ab omnibus evitentur, ita quod, si per annum in excommunicatione perstiterint, extunc velut haetici condemnentur. Moneantur autem et inducantur et si necesse fuerit per censuram ecclesiasticam compellantur saeculares potestates, quibuscumque fungantur officiis, ut sicut reputari cupiunt et haberi fideles, ita pro defensione fidei praestent publice iuramentum, quod de terris suae jurisdictioni subiectis universos haeticos ab ecclesia denotatos bona fide pro viribus exterminare studebunt⁷, ita quod amodo quodcumque quis fuerit in potesta-

» Almarici v. i. *Cr* b varietate p. / . *Rm* c considerationem r. / . *LC*

30

d cuiuscumque officii, etiam *Cr* e studeant *Cr*

¹ Cf. *Expuitio magni prophetae abbatis Joachim in Apocalipsim*, Veneriis 1527, c. 1 rv; cf. Russo, *Bibliografia* __, 22,

* Cf. inter alios P. Fournier, *Etudes sur Joachim de Flore et ses doctrines*, Paris 1909, 32-37; E. Buonaiuti, *Gioacchino da Fiore. I tempi, la vita, il messaggio*, Roma 1931, 174-175; F. Foberti, *Gioacchino da Fiore...*, Firenze 1934, 81-131; Ioachimi abbatis *Liber contra Lombardum (Scuola di Gioacchino da Fiore)*, ed. G. Ottaviano, Roma 1934; *Scripti minori di Gioacchino da Fiore*, ed. E. Buonaiuti (Fonti per la storia d'Italia, 78), Roma 1936, XX-LIII; Huck 131-132, 176-177, 272-274; F. Foberti, *Gioacchino da Fiore e il gioacchinismo antico e moderno*, Padova 1942, 39-60; A. Michel, DThC 15/2 (1950) 1727-1730; F. Russo. *Vn documento sulla condanna di Gioacchino da Fiore nel 1215*, Archivio storico per la Calabria e la T. urania 20 (1951) 69-73; E. Bertoia, *La dottrina trinitaria in Pietro Lombardo*, Miscellanea lombardiana, Novara 1957, 129-135.

³ Amalricus a Bena (f 1204); cf. G. C. Capelle, *Autour du décret de 1210: III. Amaury de Bene*, Paris 1932; H. Grundmann, *Religibse Beuegunen im Mittelalter*, . . ., Berlin 1935, 374-375.

c. 2 X. 1 1 (Fr 2, 6-7); cf. etiam Fliche ; Tillmann 159, 203; Maccarrone 287-288, 295.

monastery of Fiore, which Joachim founded, because there both the instruction is according to rule and the observance is healthy; especially since Joachim ordered all his writings to be handed over to us, to be approved or corrected according to the judgment of the apostolic see. He dictated a letter¹, which he signed with his own hand, in which he firmly confesses that he holds the faith held by the Roman church, which is by God's plan the mother and mistress of all the faithful².*

We also reject and condemn that most perverse doctrine of the impious Amalric⁵, whose mind the father of lies blinded to such an extent that his teaching is to be regarded as mad more than as heretical.⁴

3. On heresies

We excommunicate and anathematize every heresy raising itself up against this holy, orthodox and catholic faith which we have expounded above. We condemn all heretics, whatever names they may go under. They have different faces indeed but their tails are tied together inasmuch as they are alike in their pride. Let those condemned be handed over to the secular authorities present, or to their bailiffs, for due punishment. Clerics are first to be degraded from their orders. The goods of the condemned are to be confiscated, if they are lay persons, and if clerics they are to be applied to the churches from which they received their stipends. Those who are only found suspect of heresy are to be struck with the sword of anathema, unless they prove their innocence by an appropriate purgation, having regard to the reasons for suspicion and the character of the person. Let such persons be avoided by all until they have made adequate satisfaction. If they persist in the excommunication for a year, they are to be condemned as heretics. Let secular authorities, whatever offices they may be discharging, be advised and urged and if necessary be compelled by ecclesiastical censure, if they wish to be reputed and held to be faithful, to take publicly an oath for the defence of the faith to the effect that they will seek, in so far as they can, to expel from the lands subject to their jurisdiction all heretics designated by the church in good faith. Thus whenever anyone is promoted to spiritual or temporal authority, he shall be obliged to confirm this article with an

¹ See *Expositio magni prophetae abbatis Joachim in Apocalipsim*, Venice 1527.

* See among others P. Fournier, *Études sur Joachim de Flore et ses doctrines*, Paris 1909, 32-37; E. Buonaiuti, *Gioacchino da Fiore. I tempi, la vita, il messaggio*, Rome 1931, 174-175; F. Foberti, *Gioacchino da Fiore ...*, Florence 1934, 81-131; Abbot Joachim, *Liber contra Lombardum* (Scuola di Gioacchino da Fiore), ed. C. Ottaviano, Rome 1934; *Scritti minori di Gioacchino da Fiore*, ed. E. Buonaiuti (Fonti per la storia d'Italia, 78), Rome 1936, XX-LIII; Huck 131-132, 176-177, 272-274; F. Foberti, *Gioacchino da Fiore e il gioachinismo antico e moderno*, Padua 1942, 39-60; A. Michel, DThC 15/2 (1950) 1727-1730; F. Russo, *Un documento sulla condanna di Gioacchino da Fiore nel 1215*, Archivio storico per la Calabria e la Lucania 20 (1951) 69-73; E. Bertoia, *La dottrina trinitaria in Pietro Lombardo*, Miscellanea lombardiana, Novara 1957, 129-135; M. Reeves, *The influence of prophecy in the later Middle Ages, a study in Joachimism*, Oxford 1969, 30-32; idem, *Joachim of Fiore and the Prophetic Future*, London 1976, 24-26.

⁵ Amalric of Bène (died 1204); see G. C. Capelle, *Autour du decret de 1210: 111. Amaury de Bène*, Paris 1932; H. Grundmann, *Religiose Bewegungen im Mittelalter ...*, Berlin 1935, 374-375.

⁴ ch. 2, *Decretals*, I 1 (Fr 2, 6-7); see also Fliche 200; Tillmann 159, 203 (trans. Sax 195, 242); Maccarrone 287-288, 295.

tem sive spiritualem* sive temporalem assumptus, hoc teneatur capitulum iuramentis firmare. Si vero dominus temporalis, requisitus et monitus ab ecclesia, terram suam purgare neglexerit ab hac haeretica foeditate, per metropolitanum et ceterosb comprovinciales episcopos excommunicationis vinculo innodetur; et si satisfacere contempserit infra annum, significetur hoc summo pontifici, ut extunc ipse vassallos ab eius fidelitate denuntiet absolutos et terram exponat catholicis occupandam, qui eam exterminatis haereticis sine ulla contradictione possideant et in fidei puritate conservent, salvo iure domini principalis, dummodo super hoc ipse
 10 nullum praestet obstaculum nec aliquod impedimentum opponat; eadem nihilominus lege servata circa eos, qui non habent dominos principales. Catholici vero qui, crucis assumpto caractere, ad haereticorum exterminium se accinxerint, illa gaudeant indulgentia, illoque sanctis privilegio sint muniti, quod accedentibus in Terrae sanctae subsidium conceditur. Credentes vero, praeterea receptores⁰, defensores et fautores haereticorum excommunicationi decernimus subiacere, firmiter statuentes ut, postquam quis talium fuerit excommunicatione notatus, si satisfacere⁴ contempserit infra annum, extunc ipso iure sit factus infamis, nec ad publica officia seu consilia, nec ad eligendos aliquos ad huiusmodi,
 20 nec ad testimonium admittatur; sit etiam intestabilis, ut nec testandi⁰ liberam habeat facultatem^f nec ad hereditatis successionem accedat; nullus praeterea ipsi super quocumque negotio[^], sed ipse alii respondere cogatur. Quod si forte iudex exstiterit, eius sententia nullam obtineat firmitatem nec causae aliqua ad eius audientiam perferantur;
 25 si fuerit advocatus, eius patrocinium nullatenus admittatur; si tabellio, eius instrumenta confecta per ipsum, nullius penitus sint momenti, sed cum auctore damnato damnentur; et in similibus^{ll} idem praecipimus observari; si vero clericus fuerit, ab omni officio et beneficio deponatur, ut in quo maior est culpa, gravior exerceatur vindicta. Si
 w qui autem tales, postquam ab ecclesia denotati fuerint, evitare contempserint, excommunicationis sententia usque ad satisfactionem idoneam percellantur. Sane clerici non exhibeant huiusmodi pestilentibus ecclesiastica sacramenta nec eos christianae praesumant sepulturae tradere, nec eleemosynas aut oblationes eorum accipiant; alioquin suo priventur
 35 officio, ad quod numquam restituantur absque induito sedis apostolicae speciali. Similiter quilibet regulares, quibus hoc etiam infligatur, ut eorum privilegia* illa dioecesi non serventur, in qua tales excessus praesumpserint perpetrare. «Quia vero nonnulli *sub specie pietatis virtutem eius* (iuxta quod ait Apostolus) *abnegantes*¹, auctoritatem sibi vendicant praedicandi, cum idem* Apostolus dicat: *Quomodo praedicabunt nisi mittantur?**,
 40

* perpetuam *r. /.* *Rm* b a». *Cr* c receptatores *A*

d ut si postquam quilibet talium ... notatus satisfacere *Cr*

e testamenti *Cr* f factionem *Cr A* 8 res deat *add. Ai*

h subiectis *Cr* nec *Cr* k in *odd. Cr* * ipse *C'*

oath. If however a temporal lord, required and instructed by the church, neglects to cleanse his territory of this heretical filth, he shall be bound with the bond of excommunication by the metropolitan and other bishops of the province. If he refuses to give satisfaction within a year, this shall be reported to the supreme pontiff so that he may then declare his vassals absolved from their fealty to him and make the land available for occupation by Catholics so that these may, after they have expelled the heretics, possess it unopposed and preserve it in the purity of the faith — saving the right of the suzerain provided that he makes no difficulty in the matter and puts no impediment in the way. The same law is to be observed no less as regards those who do not have a suzerain.

Catholics who take the cross and gird themselves up for the expulsion of heretics shall enjoy the same indulgence, and be strengthened by the same holy privilege, as is granted to those who go to the aid of the holy Land. Moreover, we determine to subject to excommunication believers who receive, defend or support heretics. We strictly ordain that if any such person, after he has been designated as excommunicated, refuses to render satisfaction within a year, then by the law itself he shall be branded as infamous and not be admitted to public offices or councils or to elect others to the same or to give testimony. He shall be intestable, that is he shall not have the freedom to make a will nor shall succeed to an inheritance. Moreover nobody shall be compelled to answer to him on any business whatever, but he may be compelled to answer to them. If he is a judge, sentences pronounced by him shall have no force and cases may not be brought before him; if an advocate, he may not be allowed to defend anyone; if a notary, documents drawn up by him shall be worthless and condemned along with their condemned author; and in similar matters we order the same to be observed. If however he is a cleric, let him be deposed from every office and benefice, so that the greater the fault the greater be the punishment. If any refuse to avoid such persons after they have been pointed out by the church, let them be punished with the sentence of excommunication until they make suitable satisfaction. Clerics should not, of course, give the sacraments of the church to such pestilent people nor give them a Christian burial nor accept alms or offerings from them; if they do, let them be deprived of their office and not restored to it without a special induit of the apostolic see. Similarly w'ith regulars, let them be punished with losing their privileges in the diocese in which they presume to commit such excesses.

“There are some who *holding to the form of religion but denying its power* (as the Apostle says)¹, claim for themselves the authority to preach, whereas the same Apostle says, *How shall they preach unless they are sent?*² Let therefore all

¹ 2 Tm 3, 5.

² Rm 10, 15.

omnes qui prohibiti vel non missi, praeter auctoritatem ab apostolica sede vel catholico episcopo loci susceptam, publice vel privatim praedicationis officium usurpare praesumpserint^{4.1}; excommunicationis vinculo innodentur, et nisi quantocius resipuerint, alia competenti poena plecantur¹. Adicimus insuper, ut quilibet archiepiscopus vel episcopus per se s aut per archidiaconum suum vel idoneas personas honestas⁴ bis aut saltem semel in anno propriam parochiam, in qua fama fuerit haereticos habitare, circumeat, et ibi tres vel plures boni testimonii viros vel etiam, si expedire videbitur, totam viciniam iurare compellat; quod si quis ibidem haereticos sciverit vel aliquos occulta conventicula celebrantes seu a 10 communi conversatione fidelium vita et moribus dissidentes, eos episcopo studeat indicare. Ipse autem episcopus ad praesentiam suam convocet accusatos, qui nisi se ab obiecto reatu purgaverint vel si post purgationem exhibitam in pristinam fuerint relapsi perfidiam, canonice puniantur. Si qui vero ex eis, iuramenti religionem obstinatione damnabilib respuentes, 15 iurare forte noluerint, ex hoc ipso tamquam haeretici reputentur. Volumus igitur et mandamus et in virtute obedientiae districte praecipimus, ut ad haec efficaciter exequenda, episcopi per dioeceses suas diligenter invigilent, si canonicam effugere voluerint ultionem; si quis enim episcopus super expurgando de sua dioecesi haereticae pravitatis fermento, 20 negligens fuerit vel remissus, cum id certis indiciis apparuerit, et' ab episcopali officio deponatur et in loco ipsius alter substituatur idoneus, qui velit et possit haeticam confundere pravitatem.³

4. De superbia Graecarum contra Latinos

Licet Graecos in diebus nostris ad obedientiam sedis apostolicae revertentes, fovere et honorare velimus, mores ac ritus eorum^d, quantum cum Domino' possumus, sustinendo, in his tamen illis deferre nec volumus nec debemus, quae periculum generant animarum et ecclesiasticae derogant honestati. Postquam enim Graecorum ecclesia cum quibusdam 30 complicibus ac fautoribus suis ab obedientia sedis apostolicae se subtraxit, in tantum Graeci coeperunt abominari latinos, quod inter alia quae in derogationem eorum impie committebant, si quando sacerdotes latini super eorum celebrassem altaria, non prius ipsi sacrificare volebant in illis, quam ea tamquam per hoc inquinata lavissent; baptizatos etiam a latinis et ipsi Graeci rebaptizare ausu temerario praesumebant et adhuc, 35

a vel alias honestas idoneasque personas *A*

b iurationem damnabili superstitione *Cr* c *ow. Cr* d in *add. Rm* e Deo *Cr*

¹ Ex decreto Lucii papae III contra haereticos, conc. Veronense a. 1184 (Msi 22, 477); cf. Jaffé nr. 15109.

⁴ Cf. inter alios G. Gonnet, *II Valdismo medierale*, Torre Pellice 1942, 100-101.

* c. 13 *X. V* 7 (Fr 2, 787-789); cf. inter alios F. W. Maitland, *Roman Canon Law in the Church of England*, London 1898, 161-162; J. Guiraud, *Histoire de l'inquisition au Moyen-Ag.*, I Paris 1935, 413; W. Ullmann, *Medieval Papalism. The Political Theories of the Medieval Canonists*, London 1949, 177; Fliche 201; R. Morghen, *Medioevo cristiano*, Bari *1958, 287-289; Tillmann 204-207; Maccarrone 286-287.

those who have been forbidden or not sent to preach, and yet dare publicly or privately to usurp the office of preaching without having received the authority of the apostolic see or the catholic bishop of the place”¹, be bound with the bond of excommunication and, unless they repent very quickly, be punished by another suitable penalty². We add further that each archbishop or bishop, either in person or through his archdeacon or through suitable honest persons, should visit twice or at least once in the year any parish of his in which heretics are said to live. There he should compel three or more men of good repute, or even if it seems expedient the whole neighbourhood, to swear that if anyone knows of heretics there or of any persons who hold secret conventicles or who differ in their life and habits from the normal way of living of the faithful, then he will take care to point them out to the bishop. The bishop himself should summon the accused to his presence, and they should be punished canonically if they are unable to clear themselves of the charge or if after compurgation they relapse into their former errors of faith. If however any of them with damnable obstinacy refuse to honour an oath and so will not take it, let them by this very fact be regarded as heretics. We therefore will and command and, in virtue of obedience, strictly command that bishops see carefully to the effective execution of these things throughout their dioceses, if they wish to avoid canonical penalties. If any bishop is negligent or remiss in cleansing his diocese of the ferment of heresy, then when this shows itself by unmistakeable signs he shall be deposed from his office as bishop and there shall be put in his place a suitable person who both wishes and is able to overthrow the evil of heresy.³

4. *On the pride of Greeks towards Latins*

Although we would wish to cherish and honour the Greeks who in our days are returning to the obedience of the apostolic see, by preserving their customs and rites as much as we can in the Lord, nevertheless we neither want nor ought to defer to them in matters which bring danger to souls and detract from the church’s honour. For, after the Greek church together with certain associates and supporters withdrew from the obedience of the apostolic see, the Greeks began to detest the Latins so much that, among other wicked things which they committed out of contempt for them, when Latin priests celebrated on their altars they would not offer sacrifice on them until they had washed them, as if the altars had been defiled thereby. The Greeks even had the temerity to rebaptize those baptized by the Latins; and some, as we are told, still do not fear to do this. Wishing therefore to remove such a great scandal from God’s church, we strictly order, on the advice of this sacred council, that henceforth they do

¹ From pope Lucius III’s decree against heretics at the council of Verona in 1184 (Msi 22, 477); see Jaffé no. 15109.

² See among others G. Gonnet, *II Valdismo medievale*, Torre Pellice 1942, 100-101.

³ ch. 13, *Decretals*, V 7 (Fr 2, 787-789); see among others F. W. Maitland, *Roman Canon Law in the Church of England*, London 1898, 161-162; J. Guiraud, *Histoire de l’inquisition au Moyen-Age*, I Paris 1935, 413; W. Ullmann, *Medieval Papalism. The Political Theories of the Medieval Canonists*, London 1949, 177; Fliche 201; R. Morghen, *Medioevo Cristiano*, Bari 1958, 287-289; Tillmann 204-207 (trans. Sax 242-245); Maccarrone 286-287; B. Hamilton, *The Medieval Inquisition*, London 1981, 31-32.

sicut accepimus, quidam agere hoc non verentur. Volentes ergo tantum ab ecclesia Dei scandalum amovere, sacro suadente concilio districte praecipimus, ut talia de caetero non praesumant, conformantes se tamquam obedientiae filii sacrosanctae Romanae ecclesiae matri suae, ut sit
 5 *tmumovile ei unus parior*¹. Si quis autem quid* tale praesumpserit, excommunicationis mucrone percussus, ab omni officio et beneficio ecclesiastico deponatur?

5. *De dignitate patriarcharum*

Antiqua patriarchalium sedium privilegia renovantes, sacra universali
 io synodo approbante sancimus, ut post Romanam ecclesiam, quae disponente Domino super omnes alias ordinariae potestatis obtinet principatum, utpote mater universorum Christi fidelium et magistra, Constantinopolitana primum, Alexandrina secundum, Antiochena tertium, Hierosolymitana quartum locum obtineant³, servata*⁵ cuilibet propria dignitate, is ita quod postquam eorum antistites a Romano pontifice receperint pallium, quod est plenitudinis officii? pontificalis insigne, praestito sibi fidelitatis et obedientiae iuramento, licenter et ipsi suis suffraganeis pallium largiantur, recipientes pro se professionem canonicam et pro Romana ecclesia sponsionem obedientiae ab eisdem. Dominicae vero crucis vexillum
 a» ante se faciant ubique deferri, nisi in urbe Romana et ubicumque summus pontifex praesens exstiterit vel eius legatus, utens insigniis apostolicae dignitatis. In omnibus autem provinciis eorum iurisdictioni subiectis ad eos, cum necesse fuerit, provocetur, salvis appellationibus ad sedem apostolicam interpositis, quibus est ab omnibus humiliter deferendum.*

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6. *De conciliis provincialibus*

Sicut olim a sanctis patribus noscitur institutum⁵, metropolitan! singulis annis cum suis suffraganeis provincialia non omittant c. concilia celebrare, in quibus de corrigendis excessibus et moribus reformandis, praesertim in clero, diligentem habeant cum Dei timore tractatum, canonicas
 μ regulas^d et maxime quae statuta sunt in hoc generali concilio relegentes, ut eas faciant observari, debitam poenam transgressoribus infligendo. Ut autem id valeat efficacius adimpleri, per singulas dioeceses statuunt idoneas personas, providas videlicet et honestas, quae per totum annum simpliciter et de plano, absque ulla iurisdictione sollicite investigent, quae
 35 correctione vel reformatione sint digna, et ea fideliter perferant ad metropolitanum et suffraganeos et alios in concilio subsequent!, ut super his et aliis, prout utilitati et honestati congruerit, provida 'deliberatione procedant; et quae' statuerint, faciant observari, publicantes ea in episco-

* aliquid *Cr* b reservata *Cr* e om. *Cr* d causas *Cr* e quod *Cr*

¹ Io 10,16. ' c. 6 X. III 42 (Fr 2, 647-648); cf. Fliche 199; Maccarrone 289.

' Cf. conc Constant. I, c. 3; conc. Chalced., c 28; conc Constant. IV, c. 21 (v. supra pp. 321, 99-100, 182).

* c. 23 X. V 33 (Fr 2, 866); cf. Tillmann 32; Maccarrone 279, 289-290.

* Cf. conc. Nie I, c. 5; conc Chalced., c 19; conc. Nie. II, c. 6 (v. supra pp. 8, 96, 143-144).

not presume to do such things but rather conform themselves like obedient sons to the holy Roman church, their mother, so that there may be *one flock and one shepherd*¹. If anyone however does dare to do such a thing, let him be struck with the sword of excommunication and be deprived of every ecclesiastical office and benefice.²

5. *On the dignity of patriarchs*

Renewing the ancient privileges of the patriarchal sees, we decree, with the approval of this sacred universal synod, that after the Roman church, which through the Lord's disposition has a primacy of ordinary power over all other churches inasmuch as it is the mother and mistress of all Christ's faithful, the church of Constantinople shall have the first place, the church of Alexandria the second place, the church of Antioch the third place, and the church of Jerusalem the fourth place³, each maintaining its own rank. Thus after their pontiffs have received from the Roman pontiff the pallium, which is the sign of the fullness of the pontifical office, and have taken an oath of fidelity and obedience to him, they may lawfully confer the pallium on their own suffragans, receiving from them for themselves canonical profession and for the Roman church the promise of obedience. They may have a standard of the Lord's cross carried before them anywhere except in the city of Rome or wherever there is present the supreme pontiff or his legate wearing the insignia of the apostolic dignity. In all the provinces subject to their jurisdiction let appeal be made to them, when it is necessary, except for appeals made to the apostolic see, to which all must humbly defer.⁴⁵

6. *On provincial councils*

As is known to have been ordained of old by the holy fathers³, metropolitans should not fail to hold provincial councils each year with their suffragans in which they consider diligently and in the fear of God the correction of excesses and the reform of morals, especially among the clergy. Let them recite the canonical rules, especially those which have been laid down by this general council, so as to secure their observance, inflicting on transgressors the punishment due. In order that this may be done more effectively, let them appoint for each diocese suitable persons, that is to say prudent and honest persons, who will simply and summarily, without any jurisdiction, throughout the whole year, carefully investigate what needs correction or reform and will then faithfully report these matters to the metropolitan and suffragans and others at the next council, so that they may proceed with careful deliberation against these and other matters according to what is profitable and decent. Let them see to the observance of the things that they decree, publishing them in episcopal synods

¹ Jn 10, 16.

² ch. 6, *Decretals*, III 42 (Fr 2, 647-648); see Fliche 199; Maccarrone 289.

³ See council of Constantinople I, canon 3; council of Chalcedon, canon 28; council of Constantinople IV, canon 21 (see above pp. 32, 99-100, 182).

⁴ See ch. 23, *Decretals*, V 33 (Fr 2, 866); see Tillmann 32 (trans. Sax 34); Maccarrone 279, 289-290.

⁵ See council of Nicaea I, canon 5; council of Chalcedon, canon 19; council of Nicaea II, canon 6 (see above pp. 8, 96, 143-144).

palibus synodis, annuatiin per singulas dioeceses celebrandis. Quisquis autem hoc salutare statutum neglexerit adimplere, a suis beneficiis et executione officii suspendatur, donec per superioris arbitrium eius relaxetur.1

7. Dt torrtctiev txctsnatm

Irrefragabili constitutione sancimus, ut ecclesiarum praelati ad corrigendum subditorum excessus, maxime clericorum, et reformandum mores, prudenter et diligenter intendant, ne sanguis eorum de suis manibus requiratur2. Ut autem correctionis et reformationis officium libere valeant exercere, decernimus ut exeeutionem ipsarum6 nulla consuetudo vel appellatio valeat impedire, nisi formamc excesserint in talibus observanda. Excessus tamen canonicorum ecclesiae cathedralis, qui consueverunt corrigi per capitulum, per ipsum in illis' ecclesiis, quae talem hactenus consuetudinem habuerunt, ad commonitionem et iussionem episcopi corrigantur infra terminum competentem, ab episcopo praefigendum. Alioquin extunc episcopus, Deum habens prae oculis, omni* contradictione* cessante*, ipsos prout animarum cura exegerit, per censuram ecclesiasticam corrigere non postponat, sed et alios eorum excessus corrigere non omittat, prout animarum causa requirit, debito tamen ordine in omnibus observato®. Caeterum si canonici absque manifesta et rationabili causa, maxime in contemptum episcopi, cessaverint a divinis, episcopus nihilominus, si voluerit, celebret in ecclesia cathedrali6 et metropolitanus ad querelam ipsius tamquam super hoc delegatus a nobis, taliter eos per censuram ecclesiasticam cognita veritate castiget, quod poenae metu talia de cetero non praesumant. Provideant itaque diligenter ecclesiarum praelati, ut hoc salutare statutum ad quaestum pecuniae vel gravamen aliud' non convertant, sed illud studiose ac fideliter exequantur, si canonicam voluerint effugere ultionem, quoniam super his apostolica sedes, auctore Domino, attentissime vigilabit.3

8. De inquisitionibu/

›,Qualiter et quomodok debeat praelatus procedere ad inquirendum et puniendum subditorum excessus, ex auctoritatibus novi et veteris Testamenti colligitur evidenter, ex quibus postea processerunt canonicae sanctiones**4, sicut olim aperte distinximus, et nunc sacri approbatione concilii confirmamus. „Legitur enim in evangelio quod villicus ille qui diffamatus erat apud dominum suum, quasi dissipasset bona ipsius1, audivit ab illo: *Quid hoc audio de te? redde rationem villicationis tuae: iam enim non poteris villicare**. Et in Genesi Dominus ait: *Descendam, et videbo utrum clamo-*

a eius suspensio ton. Su b ip\$jus Cr c Cr
 à observanda Cr e ipsis Cr f cm, Af g sed ... observato om. Af
 h eadem Cr i aliquod Cr k quando Cr et p. / . Rm l sua Cr

40

1 c. 25 X. V 1 (Fr 2, 747); cf. Fliche 208; Tillmann 157; Maccarrone 290-291.

3 Cf. Ez 3,18; 33, 8.

3 c. 13 X. J 31 (Fr 2,191); cf. Fliche 204-205; Tillmann 159; Maccarrone 293-294.

4 c. 17 X. V 1 (Fr 2, 738-739). » Lc 16, 2.

which are to be held annually in each diocese. Whoever neglects to carry out this salutary statute is to be suspended from his benefices and from the execution of his office, until his superior decides to release him.¹

7, *On the correction of offences*

By this inviolable constitution we decree that prelates of churches should prudently and diligently attend to the correction of their subjects' offences, especially of clerics, and to the reform of morals. Otherwise the blood of such persons will be required at their hands.²³ In order that they may be able to exercise freely this office of correction and reform, we decree that no custom or appeal can impede the execution of their decisions, unless they go beyond the form which is to be observed in such matters. The offences of canons of a cathedral church, however, which have customarily been corrected by the chapter, are to be corrected by the chapter in those churches which until now have had this custom, at the instance and on the orders of the bishop and within a suitable time-limit which the bishop will decide. If this is not done, then the bishop, mindful of God and putting an end to all opposition, is to go ahead with correcting the persons by ecclesiastical censure according as the care of souls requires, and he shall not omit to correct their other faults according as the good of souls requires, with due order however being observed in all things.⁸ For the rest, if the canons stop celebrating divine services without manifest and reasonable cause, especially if this is in contempt of the bishop, then the bishop himself may celebrate in the cathedral church if he wishes; and on complaint from him, the metropolitan, as our delegate in the matter, may, when he has learned the truth, punish the persons concerned in such fashion that for fear of punishment they shall not venture such action in the future. Let prelates of churches therefore carefully see that they do not turn this salutary statute into a form of financial gain or other exaction, but rather let them carry it out assiduously and faithfully, if they wish to avoid canonical punishment, since in these matters the apostolic see, directed by the Lord, will be very vigilant/

8. *On inquests*

“How and in what way a prelate ought to proceed to inquire into and punish the offences of his subjects may be clearly ascertained from the authorities of the new and old Testament, from which subsequent sanctions in canon law derive”⁴, as we said distinctly some time ago and now confirm with the approval of this holy council.

“For we read in the gospel that the steward who was denounced to his lord for wasting his goods heard him say: *What is this that I hear about you? Give an account of your stewardship, for you can no longer be my steward?*. And in

⁸ and he.....things omitted in A M.

¹ ch. 25, *Decretals*, V 1 (Fr 2, 747); see Fliche 208; Tillmann 157 (trans. Sax 192-193); Maccarrone 290-291. ² See Ez 3, 13; 33, 8.

³ ch. 13, *Decretals*, I 31 (Fr 2, 191); see Fliche 204-205; Tillmann 159 (trans. Sax 195); Maccarrone 293-294).

⁴ ch. 17, *Decretals*, V 1 (Fr 2, 738-739). ⁵ Lk 16, 2.

rem, qui venit ad me, opere compleverunt¹.* Ex quibus auctoritatibus manifeste comprobatur, quod non solum cum subditus verum etiam cum praelatus excedit, si per clamorem et famam ad aures superioris pervenerit, non quidem a malevolis et maledicis sed a providis et honestis, nec semel tantum, s sed saepe (quod clamor innuit et diffamatio manifestat), debet coram ecclesiae senioribus veritatem diligentius perscrutari; et* si rei poposcerit qualitas, canonica districtio culpam feriat delinquentis: non tamquam sit actor et iudex, sed quasi deferente fama vel denunciante clamore, officii sui debitum exequatur. Licet autem hoc sit observandum in subditis, io diligentius tamen observandum est in praelatis, qui *quasi signum* sunt positi *ad sagittam**. Et quia non possunt omnibus complacere, cum ex officio teneantur non solum arguere sed etiam increpare, quin etiam interdum suspendere, nonnunquam vero ligare, frequenter odium multorum incurrunt et insidias patiuntur. Ideo sancti patres provide statuerunt³, ut accusatio praelatorum non facile admittatur, ne concussis columnis corruat aedificium⁴, nisi diligens adhibeatur cautela, per quam non solum falsae sed etiam malignae criminationi ianua praecludatur. Verum ita voluerunt providere praelatis ne criminarentur iniuste, ut tamen caverent ne delinquerent insolenter, contra morbum utrumque invenientes » congruam medicinam, videlicet ut criminalis accusatio, quae ad diminutionem capitis, id est degradationem, intenditur*, nisi legitima praecedat inscriptio, nullatenus admittatur. Sed cum super excessibus suis quisquam fuerit infamatus ita, ut iam clamor ascendat, qui diutius sine scandalo dissimulari non possit vel sine periculo tolerari, absque dubitationis scrupulo ad inquirendum et puniendum eius excessus, non ex odii fomite, sed 25 caritatis procedatur affectu; quatenus si fuerit gravis excessus, etsi non degradetur ab ordine, ab administratione tamen amoveatur omnino, quod est secundum evangelicam sententiam⁵ a villicatione villicum amoveri, qui non potest villicationis suae dignam reddere rationem.^e Debet igitur 30 esse praesens is, contra quem facienda est inquisitio, nisi se per contumaciam absentaverit, et exponenda sunt eid illad capitula, de quibus fuerit inquirendum, ut facultatem habeat defendendi seipsum, et non solum dicta sed etiam nomina ipsa^f testium sunt ei, ut quid etf a quo sit dictum appareat, publicanda, necnon exceptiones et replicationes legitimae admittendae, ne per suppressionem nominum infamandi, per exceptionum 35 vero exclusionem deponendi falsum audacia praebeatur. Ad corrigendos itaque subditorum excessus tanto diligentius debet praelatus assurgere, quanto damnabilius eorum offensas desereret incorrectas, contra quos, ut de notoriis excessibus taceatur, etsi tribus modis possit procedi, per accusationem videlicet, denunciationem et inquisitionem eorum, ut tamen in 40 omnibus diligens adhibeatur cautela, ne forte per leve compendium ad

1 ut *LC* b auctor *Cr* c intendit *Cr* d illi *Cr* = *om. Cr* i vel *Cr*

¹ Gn 18,21. ¹ Lm 3,12.

⁵ Cf. conc. Constant. I c. 6; conc. Chalc., c. 21 (v. supra pp. 33-34, 97).

⁴ Cf. Id 16, 30. ⁴ Cf. 1x16,2. · c. 17 X. V 1 (Fr 2,738-739).

Genesis the Lord says : *I will go down and see whether they have done altogether according to the outcry which has come to me*'. From these authorities it is clearly shown that not only when a subject has committed some excess but also when a prelate has done so, and the matter reaches the ears of the superior through an outcry or rumour which has come not from the malevolent and slanderous but from prudent and honest persons, and has come not only once but frequently (as the outcry suggests and the rumour proves), then the superior ought diligently to seek out the truth before senior persons of the church. If the seriousness of the matter demands, then the fault of the offender should be subjected to canonical punishment. However, the superior should carry out the duty of his office not as if he were the accuser and the judge but rather with the rumour providing the accusation and the outcry making the denunciation. While this should be observed in the case of subjects, all the more carefully should it be observed in the case of prelates, who are set *as a mark for the arrow*¹. Prelates cannot please everyone since they are bound by their office not only to convince but also to rebuke and sometimes even to suspend and to bind. Thus they frequently incur the hatred of many people and risk ambushes. Therefore the holy fathers have wisely decreed³ that accusations against prelates should not be admitted readily, without careful provision being taken to shut the door not only to false but also to malicious accusations, lest with the columns being shaken the building itself collapses⁴. They thus wished to ensure that prelates are not accused unjustly, and yet that at the same time they take care not to sin in an arrogant manner, finding a suitable medicine for each disease: namely, a criminal accusation which entails loss of status, that is to say degradation, shall in no wise be allowed unless it is preceded by a charge in lawful form. But when someone is so notorious for his offences that an outcry goes up which can no longer be ignored without scandal or be tolerated without danger, then without the slightest hesitation let action be taken to inquire into and punish his offences, not out of hate but rather out of charity. If the offence is grave, even though not involving his degradation, let him be removed from all administration, in accordance with the saying of the gospel' that the steward is to be removed from his stewardship if he cannot give a proper account of it."⁶

The person about whom the inquiry is being made ought to be present, unless he absents himself out of contumacy. The articles of the inquiry should be shown to him so that he may be able to defend himself. The names of witnesses as well as their depositions are to be made known to him so that both what has been said and by whom will be apparent; and legitimate exceptions and responses are to be admitted, lest the suppression of names leads to the bold bringing false charges and the exclusion of exceptions leads to false depositions being made. A prelate should therefore act the more diligently in correcting the offences of his subjects in proportion as he would be worthy of condemnation were he to leave them uncorrected. Notorious cases aside, he may proceed

¹ Gn 18, 21. ² Lm 3, 12.

³ See council of Constantinople I, canon 6; council of Chalcedon, canon 21 (see above pp. 33-34, 97).

⁴ See Jg 16, 30. ⁵ See Lk 16, 2. ⁶ ch. 17, *Decretals*, V 1 (Fr 2, 738-739).

grave dispendium veniat¹, sicut accusationem legitima praecedere debet inscriptio, sic et denunciationem caritativa admonitio et inquisitionem clamorosa insinuatio praevenire, illo semper adhibito moderamine, ut iuxta formam iudicii sententiae quoque forma dictetur. Hunc tamen ordinem circa regulares personas non credimus usquequaque servandum, 5 quae, cum causa requirit, facilius et liberius a suis possunt administrationibus amoveri?

9. *Dt diversis ritibus in tadeat fide*

Quoniam in plerisque partibus intra eandem civitatem atque dioecesis permixti sunt populi diversarum linguarum, habentes sub una fide 10 varios ritus et mores, districte praecipimus ut pontifices huiusmodi civitatum sive dioecesium, provideant viros idoneos, qui secundum diversitates rituum et linguarum divina officia illis celebrent et ecclesiastica sacramenta ministrent, instruendo eos verbo pariter et exemplo. Prohibemus autem omnino, ne una eademque civitas sive dioecesis diversos 15 pontifices habeat, tanquam unum corpus diversa capita, quasi monstrum; sed si propter praedictas causas urgens necessitas postulaverit, pontifex loci catholicum praesulem, nationibus illis conformem, provida deliberatione constituat sibi vicarium in praedictis, qui ei per omnia sit obediens et subiectus, unde si quis aliter se ingesserit², excommunicationis se 20 noverit mucrone percussum, et si nec sic resipuerit, ab omni ecclesiastico ministerio deponatur, adhibito, si necesse fuerit, brachio saeculari ad tantam insolentiam compescendam.³

10. *Df praedicatoribus instituendis*

Inter caetera quae ad salutem spectant populi christiani, pabulum 25 verbi Dei permaxime sibi noscitur^b esse necessarium, quia sicut corpus materiali sic anima spirituali cibo nutritur, eo quod *non in solo pane vivit homo, sed in omni verbo quod procedit de ore Dei*^{*}. Unde cum saepe contingat, quod episcopi propter occupationes multiplices vel invaletudines corporales aut hostiles incursus seu occasiones alias — ne dicamus defectum 30 scientiae, quod in eis est reprobandum omnino nec de caetero tolerandum — per se ipsos non sufficiunt ministrare populo verbum Dei, maxime per amplas dioeceses et diffusas, generali constitutione sancimus, ut episcopi viros idoneos ad sanctae praedicationis officium salubriter exequendum assumant, potentes in opere et sermone⁵, qui plebes sibi commissas 35 vice ipsorum, cum per se idem nequiverint⁰, sollicite visitantes, eas verbo aedificent et exemplo; quibus ipsi, cum indiguerint, congrue necessaria ministrent, ne pro necessariorum defectu compellantur desistere ab incoepto. Unde praecipimus tam in cathedralibus quam in aliis conventuali-

3 gesserit *Cr* b noscitur sibi *LC* e nequeunt *Cr*

Cf. c. 17 *X*. V 1 (Fr 2, 739).

c. 24 *X*. V 1 (Fr 2, 745-747); cf. Fliche 209; Till 159; Maccarrooc 284.

C-14 *X*. I 31 (Fr 2, 191-192); cf. Fliche 199.

Mt 4,4; cf. Dt 8,3; Lc 4, 4. » Cf. Lc 24,19.

against them in three ways: namely, by accusation, denunciation and inquest. Let careful precaution nevertheless be taken in all cases lest serious loss is incurred for the sake of a small gain'. Thus, just as a charge in lawful form ought to precede the accusation, so a charitable warning ought to precede the denunciation, and the publication of the charge ought to precede the inquest, with the principle always being observed that the form of the sentence shall accord with the rules of legal procedure. We do not think, however, that this order needs to be observed in all respects as regards regulars, who can be more easily and freely removed from their offices by their own superiors, when the case requires it.¹

9. *On different rites within the same faith*

Since in many places peoples of different languages live within the same city or diocese, having one faith but different rites and customs, we therefore strictly order bishops of such cities and dioceses to provide suitable men who will do the following in the various rites and languages: celebrate the divine services for them, administer the church's sacraments, and instruct them by word and example. We altogether forbid one and the same city or diocese to have more than one bishop, as if it were a body with several heads like a monster. But if for the aforesaid reasons urgent necessity demands it, the bishop of the place may appoint, after careful deliberation, a catholic bishop who is appropriate for the nations in question and who will be his vicar in the aforesaid matters and will be obedient and subject to him in all things. If any such person behaves otherwise, let him know that he has been struck by the sword of excommunication and if he does not return to his senses let him be deposed from every ministry in the church, with the secular arm being called in if necessary to quell such great insolence.³⁴

10. *On appointing preachers*

Among the various things that are conducive to the salvation of the Christian people, the nourishment of God's word is recognized to be especially necessary, since just as the body is fed with material food so the soul is fed with spiritual food, according to the words, *man lives not by bread alone but by every word that proceeds from the mouth of God*.⁴ It often happens that bishops by themselves are not sufficient to minister the word of God to the people, especially in large and scattered dioceses, whether this is because of their many occupations or bodily infirmities or because of incursions of the enemy or for other reasons — let us not say for lack of knowledge, which in bishops is to be altogether condemned and is not to be tolerated in the future. We therefore decree by this general constitution that bishops are to appoint suitable men to carry out with profit this duty of sacred preaching, men who are powerful in word and deed⁵ and who will visit with care the peoples entrusted to them in place of the

¹ See ch. 17, *Decretals*, V 1 (Fr 2, 739).

² ch. 24, *Decretals*, V 1 (Fr 2, 745-747); see Fliche 209; Tillmann 159 (trans. Sax 195); Maccarrone 284.

³ ch. 14, *Decretals*, I 31 (Fr 2, 191-192); see Fliche 199.

⁴ Mt 4, 4; see Di 8, 3; Lk 4, 4. ⁵ See Lk 24, 19.

bus ecclesiis viros idoneos ordinari, quos episcopi possint coadiutores et cooperatores habere, non solum in praedicationis officio verum etiam in audiendis confessionibus et poenitentiis iniungendis ac caeteris, quae ad salutem pertinent animarum. Si quis autem hoc neglexerit adimplere,
5 districtae subiaceat ultioni.¹

11. De magistris scholasticis

Quia nonnullis propter inopiam et legendi studium et opportunitas proficiendi subtrahitur, in Lateranensi concilio* pia fuit institutione provisum, ut „per unamquamque cathedralem ecclesiam magistro, qui clericos eiusdem ecclesiae aliosque scholares pauperes gratis instrueret, aliquod competens beneficium praeberetur, quo et docentis relevaretur
10 necessitas et via pateret discentibus ad doctrinam". Verum quoniam in multis ecclesiis id minime observatur, nos praedictum roborantes statutum, adicimus ut non solum in qualibet cathedrali ecclesia sed etiam in
is aliis, quarum sufficere poterunt facultates, constituatur magister idoneus a praelato, cum capitulo seu maiori ac saniori parte capituli eligendus, qui clericos ecclesiarum ipsarum et aliarum gratis in grammaticae facultate ac aliis instruat iuxta posse. Sane metropolitana ecclesia theologum nihilo-
minus habeat, qui sacerdotes et alios in sacra pagina doceat et in his
μ praesertim informet, quae ad curam animarum spectare noscuntur. Assignetur autem cuilibet magistrorum a capitulo unius praebendae proven-
tus, et pro* theologo* a metropolitano tantundem, non quod b per b hoc efficiatur canonicus, sed tamdiu redditus ipsius' percipiat, quamdiu per-
stiterit in docendo. Quod si forte de duobus magistris' metropolitana
25 ecclesia gravetur, theologo iuxta modum praedictum ipsa provideat, grammatico vero in alia ecclesia suae civitatis sive dioecesis, quod sufficere valeat, faciat provideri.³

12. De communibus capitulis monachorum

In singulis regnis sive provinciis fiat de triennio in triennium, salvo
so iure dioecesanorum pontificum, commune capitulum abbatum atque pri-
orum abbates proprios non habentium, qui non consueverunt tale capi-
tulum celebrare; ad quod universi conveniant, praepeditionem canoni-
cam non habentes, apud unum de monasteriis ad hoc aptum, hoc adhibi-
to moderamine, ut nullus eorum plus quam sex evectiones et octo perso-
« nas adducat. Advocent autem caritative in huius novitatis primordiis
duos Cisterciensis ordinis abbates vicinos, ad praestandum sibi consili-

* om. Cr b propter Rm c ipsos Cr

¹ c. 15 X. I 13 (Fr 2, 192); de c. 10-13 cf. inter alios P. Mandonnet, *Saint Dominique. L'idée, l'homme et l'œuvre*, II Paris 1938, 237-239; de c. 10 cf. etiam id., I 46-48; D. W. Robertson, *Frequency of Preaching in Thirteenth-Century England*, *Speculum* 24 (1949) 377 sqq.; Fliche 203-204; Tillmann 153; Maccarrone 294-295, 296.

¹ Cf. conc. Lat. VII, c. 18 (v. supra p. 220).

* c. 4 X. V 5 (Fr 2, 770); cf. Mandonnet, *Saint Dominique ...*, I 48-49, 195; Fliche 204; Tillmann 153, 155.

bishops, since these by themselves are unable to do it, and will build them up by word and example. The bishops shall suitably furnish them with what is necessary, when they are in need of it, lest for want of necessities they are forced to abandon what they have begun. We therefore order that there be appointed in both cathedral and other conventual churches suitable men whom the bishops can have as coadjutors and cooperators not only in the office of preaching but also in hearing confessions and enjoining penances and in other matters which are conducive to the salvation of souls. If anyone neglects to do this, let him be subject to severe punishment.¹

11. *On schoolmasters*

Zeal for learning and the opportunity to make progress is denied to some through lack of means. The Lateran council² therefore dutifully decreed that “in each cathedral church there should be provided a suitable benefice for a master who shall instruct without charge the clerics of the cathedral church and other poor scholars, thus at once satisfying the teacher’s needs and opening up the way of knowledge to learners”. This decree, however, is very little observed in many churches. We therefore confirm it and add that not only in every cathedral church but also in other churches with sufficient resources, a suitable master, elected by the chapter or by the greater and sounder part of it, shall be appointed by the prelate to teach grammar and other branches of study, as far as is possible, to the clerics of those and other churches. The metropolitan church shall have a theologian to teach scripture to priests and others and especially to instruct them in matters which are recognized as pertaining to the cure of souls. The income of one prebend shall be assigned by the chapter to each master, and as much shall be assigned by the metropolitan to the theologian. The incumbent does not by this become a canon but he receives the income of one as long as he continues to teach. If the metropolitan church finds providing for two masters a burden, let it provide for the theologian in the aforesaid way but get adequate provision made for the grammarian in another church of the city or diocese.³

12. *On general chapters of monks*

In every kingdom or province let there be held every three years, saving the right of diocesan bishops, a general chapter of those abbots, and priors who do not have abbots over them, who have not been accustomed to hold one. All should attend, unless they have a canonical impediment, at one of the monasteries which is suitable for the purpose; with this limitation, that none of them brings with him more than six mounts and eight persons. Let them invite in charity, at

¹ ch. 15, *Decretals*, I 13 (Fr 2, 192); on constitutions 10-13, see among others P. Mandonnet, *Saint Dominique. L'idée, l'homme et l'oeuvre*, II Paris 1938, 237-239; on constitution 10, see also id., I 46-48; D. W. Robertson, *Frequency of Preaching in Thirteenth Century England*, *Speculum* 24 (1949) 377 ff.; Fliche 203-204; Tillmann 153 (trans. Sax 189-190); Maccarrone 294-295, 296.

² See Lateran council III, canon 18 (see above p. 220).

³ ch. 4, *Decretals*, V 5 (Fr 2, 770); see Mandonnet, *Saint Dominique ...*, I 48-49, 195; Fliche 204; Tillmann 153, 155 (trans. Sax, 190-191).

um et auxilium opportunum, cum sint in huiusmodi capitulis celebrandis ex longa consuetudine plenius informati. Qui absque contradictione duos sibi de ipsis associant, quos viderint expedire; ac ipsi quatuor praesint capitulo universo, ita quod ex hoc nullus eorum auctoritatem praelationis assumat, unde, cum expedierit, provida possint deliberatione mutari. Huiusmodi vero capitulum aliquot cenis diebus continue iuxta morem Cisterciensium* celebretur, in quo diligens habeatur tractatus de reformatione ordinis et observantia regulari, et quod statutum fuerit, illis quatuor approbantibus, ab omnibus inviolabiliter observetur, omni excusatione et contradictione ac appellatione remotis; proviso nihilominus ubi sequenti termino 10 debeat capitulum celebrari. Et qui convenerint⁸, vitam ducant communem et faciant proportionabiliter simul omnes communes expensas, ita quod si non omnes potuerint in eisdem, saltem plures simul in diversis domibus commorentur. Ordinentur etiam in eodem capitulo religiosae ac circumspectae personae, quae singulas abbatias eiusdem regni sive provinciae non solum monachorum sed etiam monialium, secundum formam sibi praefixam, vice nostra studet visitare, corrigentes et reformantes quae correctionis et reformationis officio viderint⁴ indigere, ita quod si rectorem loci cognoverint ab administratione penitus amovendum, denuncient episcopo proprio, ut illum amovere procuret; quod si non 20 fecerit, ipsi visitatores hoc referant ad apostolicae sedis examen^c. Hoc ipsum regulares canonicos^f secundum ordinem suum volumus et praecipimus observare. Si vero in hac novitate quicquam difficultatis emerit, quod per praedictas personas nequeat expediri, ad apostolicae sedis iudicium absque scandalo referatur, caeteris irrefragabiliter observatis, quae concordati fuerint deliberatione provisae. Porro dioecesani episcopi monasteria sibi subiecta ita studeant reformare, ut cum ad ea praedicti visitatores accesserint, plus in illis inveniant quod commendatione^h quam quodh correctione sit dignum, attentissime praecavescentes, ne per eos dicta monasteria indebitis oneribus aggraventur, quia sic volumus superiorum 30 iura servari, ut inferiorum^l nolimus iniurias sustinere. Ad hoc districte praecipimus tam dioecesanis episcopis quam personis quae praecerunt capitulis celebrandis, ut per censuram ecclesiasticam, appellatione remota, compescant advocatos, patronos, vicedominos, rectores et consules, magnates et milites seu quoslibet alios, ne monasteria praesumant offendere in 35 personis ac rebus; et si forsitan offenderint, eos ad satisfactionem compellere non omittant, ut liberius et quietius omnipotenti Deo valeant famulari.^l

» Cisterciensis ordinis *Rm* b conveniunt *Cr* c proportionaliter *M*

4 cognoverint *Cr* e apostolicam sedem examinandum *Cr* f personas *M*

8 commendandum *Cr* h *om.* *Cr* l inferiores *Cr* k ac *LC*

^c c. 7 *X.* li 35 (Fr 2, 600-601): cf. inter alios U. Berbère, *Les chapitres généraux de l'ordre de S. Benoît*, Revue bénédictine 18 (1901) 364-371; J. Vendevue, *L'exemption de visite monastique...*, Paris 1907, 148sqq.; U. Berbère, *Innocent III et la réorganisation des monastères bénédictins*, Revue bénédictine 32 (1920) 22-42, 145-159; J.-B. Mahn, *L'ordre cistercien et son gouvernement des origines au milieu du XIII^e siècle (1098-1265)*, Paris 1945, 248-250; Ph.

the start of this innovation, two neighbouring Cistercian abbots to give them appropriate advice and help, since from long practice the Cistercians are well informed about holding such chapters. The two abbots shall then coopt without opposition two suitable persons from among them. The four of them shall then preside over the whole chapter, in such a way however that none of them assumes the leadership; so that they can if necessary be changed after careful deliberation. This kind of chapter shall be held continuously over a certain number of days, according to Cistercian custom. They shall treat carefully of the reform of the order and the observance of the rule. What has been decided, with the approval of the four presiding, is to be observed inviolably by all without any excuse or contradiction or appeal. They shall also decide where the next chapter is to be held. Those attending shall lead a common life and divide out proportionately all the common expenses. If they cannot all live in the same house, let them at least live in groups in various houses.

Let religious and circumspect persons be appointed at the chapter who will make it their business to visit on our behalf all the abbeys of the kingdom or province, of both monks and nuns, according to the manner prescribed for them. Let them correct and reform what seems to need correction and reform. Thus if they know of the superior of a place who should certainly be removed from office, let them denounce the person to the bishop concerned so that he may see to his or her removal. If the bishop will not do this, let the visitors themselves refer the matter to the apostolic see for examination. We wish and command canons regular to observe this according to their order. If there emerges out of this innovation any difficulty that cannot be resolved by the aforesaid persons, let it be referred, without offence being given, to the judgment of the apostolic see; but let the other matters, about which after careful deliberation they were in agreement, be observed without breach. Diocesan bishops, moreover, should take care to reform the monasteries under their jurisdiction, so that when the aforesaid visitors arrive they will find in them more to commend than to correct. Let them be very careful lest the said monasteries are weighed down by them with unjust burdens, for just as we wish the rights of superiors to be upheld so we do not wish to support wrongs done to subjects. Furthermore, we strictly command both diocesan bishops and those who preside at chapters to restrain by ecclesiastical censure, without appeal, advocates, patrons, lords' deputies, governors, officials, magnates, knights, and any other people, from daring to cause harm to monasteries in respect of their persons and their goods. Let them not fail to compel such persons, if by chance they do cause harm, to make satisfaction, so that almighty God may be served more freely and more peacefully.¹

¹ ch. 7, *Decretals*, III 35 (Fr 2, 600-601); see among others, U. Berlière, *Les chapitres généraux de l'ordre de S. Benoît*, *Revue bénédictine* 18 (1901) 364-371; J. Vendevre, *L'exemption de visite monastique ...*, Paris 1907, 148 ff.; U. Berlière, *Innocent III et la réorganisation des monastères bénédictins*, *Revue bénédictine* 32 (1920) 22-42, 145-159; J.-B. Mahn, *L'ordre cistercien et son gouvernement des origines au milieu du XIII^e siècle (1098-1265)*, Paris 1945, 248-250; Ph. Schmitz, *Histoire de l'Ordre de Saint-Benoît*, III Maredsous 1948, 48-51, 67, 98, 117-118, 137, 141-142; Fliche 210; Tillmann 157 (trans. Sax 192-193); Maccarronc 293-294.

13. *De noris religionibus prohibitis*

Nc nimia religionum* diversitas gravem in ecclesia Dei confusio-
nem⁸ inducat, firmiter prohibemus, ne quis de caetero novam religio-
nem inveniat, sed quicumque voluerit ad religionem converti, unam de
s approbatis assumat. Similiter qui voluerit religiosas*-' domum fundare
de novo, regulam' et institutionem accipiat de religionibus approbatis.
Illud etiam prohibemus, ne quis in diversis monasteriis locum monachi
habere praesumat, nec unus abbas pluribus monasteriis praesidere.¹

14. *De incontinentia clericorum punienda*

io Ut clericorum mores et actus in melius reformatur, continenter et
caste vivere studeant universi, praesertim in sacris ordinibus constituti,
ab omni libidinis vitio praecavent, maxime illo propter quod *ira Dei*
venit de coelo *in filios diffidentiae*², quatenus in conspectu Dei omnipo-
tentis puro corde ac mundo corpore valeant ministrare. Ne vero facilitas
is veniae incentivum tribuat delinquendi, statuimus ut qui deprehensi
fuerint incontinentiae vitio laborare, prout magis aut minus peccaverint,
puniantur secundum canonicas sanctiones, quas efficacius et districtius
praecipimus observari, ut quos divinus timor a malo non revocat, tem-
poralis saltem poena a peccato cohibeat. Si quis igitur, hac de causa sus-
lo pensus, divina celebrare praesumpserit, non solum ecclesiasticis bene-
ficiis spoliatur, verum etiam pro hac duplici culpa perpetuo deponatur.
Praelati vero qui tales praesumpserint in suis iniquitatibus sustinere,
maxime obtentu pecuniae vel alterius commodi temporalis, pari subia-
ceant ultioni. Qui autem secundum regionisc suae morem non abdic-
25 runt copulam conjugalem, si lapsi fuerint, gravius puniantur, cum legi-
timo matrimonio possint uti.³

15. *De arcenda ebrietate clericorum*

A crapula et ebrietate omnes clerici diligenter abstineant, unde vinum
sibi temperent et se vino, nec ad bibendum quispiam incitetur, cum
30 ebrietas et⁴ mentis inducat exilium et libidinis provocet incentivum.
Unde illum abusum decernimus penitus abolendum, quo in quibusdam
partibus ad potus aequales suo modo se obligant potatores, et ille iudicio
talium plus laudatur, qui plures inebriat et calices faecundiores exhaurit.
Si quis autem super his culpabilem se exhibuerit, nisi a superiore com-
35 monitus satisfecerit competenter, a beneficio vel officio suspendatur.

* religiosorum *Cr* b offensionem *Cr* c religionis *Cr* d *om. Cr*

Schmitz, *Histoire de l'Ordre de Saint-Benoît*, IH Maredsous 1948, 48-51, 67, 98, 117-118, 137, 141-142; Fliche 210; Tillmann 157; Maccarrone 293-294.

¹ c. 9 **X** III36 (Fr 2, 607); cf. inter alios M.-H. Vicaire, in Mandonnet, *Saint Dominique* .. I 157-163; cf. etiam ibid. 49-50; Fliche 202-203; Tillmann 184-185.

« Eph 5,6.

³ c* 13 **X**. m 1 (Ft 2, 452); cf. cone. Lat. III, c. 11 (v. supra p. 217); cf. etiam Fliche 199, 205; de c. 14-22 cf. Maccarrone 291-292.

13. *On the prohibition against new religious orders*

Lest too great a variety of religious orders leads to grave confusion in God's church, we strictly forbid anyone henceforth to found a new religious order. Whoever wants to become a religious should enter one of the already approved orders. Likewise, whoever wishes to found a new religious house should take the rule and institutes from already approved religious orders. We forbid, moreover, anyone to attempt to have a place as a monk in more than one monastery or an abbot to preside over more than one monastery.'

14. *On punishing clerical incontinence*

In order that the morals and conduct of clerics may be reformed for the better, let all of them strive to live in a continent and chaste way, especially those in holy orders. Let them beware of every vice involving lust, especially that on account of which *the wrath of God came down from heaven upon the sons of disobedience*¹, so that they may be worthy to minister in the sight of almighty God with a pure heart and an unsullied body. Lest the ease of receiving pardon prove an incentive to sin, we decree that those who are caught giving way to the vice of incontinence are to be punished according to canonical sanctions, in proportion to the seriousness of their sins. We order such sanctions to be effectively and strictly observed, in order that those whom the fear of God does not hold back from evil may at least be restrained from sin by temporal punishment. Therefore anyone who has been suspended for this reason and presumes to celebrate divine services, shall not only be deprived of his ecclesiastical benefices but shall also, on account of his twofold fault, be deposed in perpetuity. Prelates who dare to support such persons in their wickedness, especially if they do it for money or for some other temporal advantage, are to be subject to like punishment. Those clerics who have not renounced the marriage bond, following the custom of their region, shall be punished even more severely if they fall into sin, since for them it is possible to make lawful use of matrimony?

15. *On preventing drunkenness among the clergy*

All clerics should carefully abstain from gluttony and drunkenness. They should temper the wine to themselves and themselves to the wine. Let no one be urged to drink, since drunkenness obscures the intellect and stirs up lust. Accordingly we decree that that abuse is to be entirely abolished whereby in some places drinkers bind themselves to drink equal amounts, and that man is most praised who makes the most people drunk and himself drains the deepest cups. If anyone shows himself worthy of blame in these matters, let him be

¹ ch. 9, *Decretals*, III 36 (Fr 2, 607); see among others, M.-H. Vicaire, in Mandonnet, *Saint Dominique ...*, I 157-163; see also *ibid.* 49-50; Fliche 202-203; Tillmann 184-185 (trans. Sax 214-215).

² Eph 5, 6.

³ ch. 13, *Decretals*, III 1 (Fr 2, 452); see Lateran council III, canon 11 (see above p. 217); see also Fliche 199, 205; on constitutions 14-22, see Maccarrone 291-292.

Venationem et aucupationem universis clericis interdicimus, unde nec canes nec aves ad aucupandum habere praesumant^{4.1}

16. *De indumentis clericarum*

Querici officia vel commercia saecularia non exercent, maxime inhonesta, mimis, ioculatoribus et histrionibus non intendunt et tabernas » prorsus evitent, nisi forte causa necessitatis in itinere constituti; ad aleas vel taxillos non ludant, nec huiusmodi ludis intersint². Coronam et tonsuram habeant congruentem et se in officiis divinis et aliis bonis exercent studiis diligenter. Clausa deferant desuper indumenta, nimia brevitate vel longitudine non notanda; pannis rubeis aut viridibus necnon manicis aut io sotularibus^b consuticiis seu rostratis, frenis, sellis, pectoralibus et calcariibus deauratis, aut aliam superfluitatem gerentibus, non utantur. Cappas manicatas ad divinum officium intra ecclesiam nonc gerant, sed nec alibi, qui sunt in sacerdotio vel personatibus constituti, nisi iusti causa timoris exegerit habitum transformari. Fibulas omnino non ferant neque corri- m gias auri vel argenti ornatum habentes, sed nec anulos, nisi quibus competit ex officio dignitatis. Pontifices autem in publico et in ecclesia superindumentis lineis omnes utantur, nisi monachi fuerint, quos oportet deferre habitum monachalem; palliis diffibulatis non utantur in publico, sed vel post collum vel ante pectus hinc inde connexis.³⁴ 20

17. *De comensationibus praelatorum et negligentia eorum super divinis officiis*

Dolentes referimus quod non solum quidam minores clerici, verum etiamd aliqui ecclesiarum praelati, circa comensationes superfluas et confabulationes illicitas, ut de aliis taceamus, fere medietatem noctis expendunt et so o residuum relinquentes, vix ad diurnum concentum 25 avium excitantur, transcurrendo undique⁶ continuata syncopa matutinum. Sunt et alii, qui missarum celebrant solemnias vix quater in anno, etf quod deterius est, interesse contemnunt, et si quando dum haec celebrantur, intersunt, chori silentium fugientes, intendunt externis colloctionibus laicorum, dumque auditum ad indebitos sermones effundunt, aures inten- 30 tas non porrigunt ad divina. Haec igitur et similia sub poena suspensionis penitus inhibemus, districte praecipientes in virtute obedientiae, ut divinum officium diurnum pariter et nocturnum, quantum eis Deus dederit, studiose celebrent pariter? et devote.⁴

a venationem ... praesumant *om. Cr M* b subtalaribus *Cr* c nulli *O*
d et *add. Cr* e utique *v. l. Afri* f vel *Cr* g *om. Cr*

35

1 c. 14 X. in 1 (Fr 2» 452-453); cf. Fliche 205.

8 Cf. P. Browe, *Die Pflitbtkmmunion im Mittelalter*, Münster 1940, 99.

3 c. 15 X. III 1 (Fr 2» 453); cf. Fliche 205.

4 c. 9 X. III 41 (Fr 2, 641-642); cf. G. J. Ebers, *Daj Dnolatisrurechl rornebmlich nach katbo-iùtbem Kirchenrecht*, Stuttgart 1906, 173 sqq.; Fliche 205-206.

suspended from his benefice or office, unless after being warned by his superior he makes suitable satisfaction. We forbid all clerics to hunt or to fowl, so let them not presume to have dogs or birds for fowling⁴.¹

16. *On the dress of clerics*

Clerics should not practice callings or business of a secular nature, especially those that are dishonourable. They should not watch mimes, entertainers and actors. Let them avoid taverns altogether, unless by chance they are obliged by necessity on a journey. They should not play at games of chance or of dice, nor be present at such games². They should have a suitable crown and tonsure, and let them diligently apply themselves to the divine services and other good pursuits. Their outer garments should be closed and neither too short nor too long. Let them not indulge in red or green cloths, long sleeves or shoes with embroidery or pointed toes, or in bridles, saddles, breast-plates and spurs that are gilded or have other superfluous ornamentation. Let them not wear cloaks with sleeves at divine services in a church, nor even elsewhere, if they are priests or parsons, unless a justifiable fear requires a change of dress. They are not to wear buckles or belts ornamented with gold or silver, or even rings except for those whose dignity it befits to have them. All bishops should wear outer garments of linen in public and in church, unless they have been monks, in which case they should wear the monastic habit; and let them not wear their cloaks loose in public but rather fastened together behind the neck or across the chest.³⁴

17. *On prelates' feasts and their negligence at divine services*

We regretfully relate that not only certain lesser clerics but also some prelates of churches pass almost half the night in unnecessary feasting and forbidden conversation, not to mention other things, and leaving what is left of the night for sleep, they are barely roused at the dawn chorus of the birds and pass away the entire morning in a continuous state of stupor. There are others who celebrate mass barely four times a year and, what is worse, do not bother to attend; if they happen to be present when it is being celebrated, they flee the silence of the choir and pay attention to conversations of the laity outside and so, while they attend to talk that is unnecessary for them, they do not give an attentive ear to the things of God. We altogether forbid these and similar things on pain of suspension. We strictly command such persons, in virtue of obedience, to celebrate the divine office, day and night alike, as far as God allows them, with both zeal and devotion.⁴

¹ We forbid ... fowling *omitted in Cr M.*

¹ ch. 14, *Decretals*, III 1 (Fr 2, 452-453); see Fliche 205.

¹ See P. Browe, *Die Pflichtkommunion im Mittelalter*, Munster 1940, 99.

³ ch. 15, *Decretals*, III 1 (Fr 2, 453); see Fliche 205.

⁴ ch. 9, *Decretals*, III 41 (Fr 2, 641-642); see G. J. Ebers, *Das Devolutionsrecht vomehmlich nach katholischem Kirchenrecht*, Stuttgart 1906, 173ff.; Fliche 205-206.

IS. De indicio /anguinis et duelli clericis interdicto

Sententiam sanguinis nullus clericus dictet aut proferat, sed* nec sanguinis vindictam exerceat aut ubi exercetur intersit. Si quis autem huiusmodi occasione statuti ecclesiis vel personis ecclesiasticis aliquod
s praesumpserit inferre dispendium, per censuram ecclesiasticam⁶ compescatur, nec quisquam clericus literas scribat aut dictet pro vindicta sanguinis destinandas, unde in curiis principum haec sollicitudo non clericis sed laicis committatur. Nullus quoque clericus rottariis^c aut balistariis aut huiusmodi viris sanguinem praeponatur, nec illam chirurgiae artem^d
io subdiaconus, diaconus vel sacerdos exerceant, quae ad unctionem vel incisionem inducit, nec* quisquam purgationi aquae ferventis vel frigidae seu ferri candentis ritum cuiuslibet benedictionis aut consecrationis impendat, salvo nihilominus prohibitionibus^l de monomachiis sive duellis antea promulgatis.⁸

15

19. Ne ecclesiae mundanis suppellectilibus exponantur

Relinqui nolumus incorrectum, quod quidam clerici sic exponunt ecclesias suppellectilibus propriis et etiam alienis, ut potius domus laicae quam Dei basilicae videantur, non considerantes quod Dominus *non sinebat, ut vas transferretur per templum*[^]. Sunt et alii qui non solum ecclesias dimittunt incultas, verum etiam vasa ministerii et vestimenta ministrorum ac pallas altaris necnon et ipsa corporalia tam immunda relinquunt, quod interdum aliquibus sunt horrori. Quia vero zelus nos comedit domus Dei⁴, firmiter prohibemus ne huiusmodi suppellectilia in ecclesiis admittantur, nisi propter hostiles incursus aut incendia repentina seu alias necessitates urgentes ad eas oporteat haberi refugium; sic tamen ut necessitate cessante res in loca pristina reportentur. Praecipimus quoque ut oratoria, vasa, corporalia et vestimenta praedicta, munda et nitida conserventur. Nimis enim videtur absurdum in sacris sordes negligere, quae dedecerent etiam in prophanis.⁵

30

20. De chrismate et eucharistia rub sera conservanda

Statuimus ut^f in cunctis ecclesiis chrisma et eucharistia sub fidei custodia clavibus adhibitis conserventur, ne[^] possit ad illa temeraria manus extendi, ad aliqua horribilia vel nefaria exercenda. Si vero is ad quem spectat custodia, ea incaute reliquerit, tribus mensibus ab officio
35 suspendatur, et si per eius incuriam aliquid nefandum inde contigerit, graviiori subiaceat ultioni.⁷

* ont. Cr. b canonicam Cr c ruptariis Su M d partem Cr M
e praecipue add. Cr i post ecclesiis in Cr ? ut non Cr

¹ Cf. inter alia conc. Lat. II, c. 20 (v. supra p. 221).

¹ c. 9 X. IU 50 (Fr 2, 659-660); cf. etiam F. W. Maitland, *Roman Canon Lan in the Chartb of England*, London 1898, 162-163; St. Kuttner, *Kanonisti/che Schuldlebre von Gratian bis asef die Dekretalen Gregors/X.* (Studi e testi, 64), Gttà del Vaticano 1935, 244; Fliche 205.

• Mr 11,16. « Cf. Ps 68,10; Io 2,17.

⁵ c. 2 X III 44 (Fr 2, 649-650); cf. Fliche 206; Maccarrone 296.

• c. 1 X HI 44 (Fr 2, 649); cf. Fliche 206.

18. On sentences involving either the shedding of blood or a duel being forbidden to clerics

No cleric may decree or pronounce a sentence involving the shedding of blood, or carry out a punishment involving the same, or be present when such punishment is carried out. If anyone, however, under cover of this statute, dares to inflict injury on churches or ecclesiastical persons, let him be restrained by ecclesiastical censure. A cleric may not write or dictate letters which require punishments involving the shedding of blood; in the courts of princes this responsibility should be entrusted to laymen and not to clerics. Moreover no cleric may be put in command of mercenaries or crossbowmen or suchlike men of blood; nor may a subdeacon, deacon or priest practise the art of surgery, which involves cauterizing and making incisions; nor may anyone confer a rite of blessing or consecration on a purgation by ordeal of boiling or cold water or of the red-hot iron, saving nevertheless the previously promulgated prohibitions¹ regarding single combats and duels.²³

19. That profane objects may not be introduced into churches

We are unwilling to tolerate the fact that certain clerics deposit in churches their own and even others' furniture, so that the churches look like lay houses rather than basilicas of God, regardless of the fact that the Lord *would not allow a vessel to be carried through the temple**. There are others who not only leave their churches uncared for but also leave the service vessels and ministers' vestments and altar cloths and even corporals so dirty that they at times horrify some people. Because zeal for God's house consumes us⁴⁵ we strictly forbid objects of this kind to be allowed into churches, unless they have to be taken in on account of enemy incursions or sudden fires or other urgent necessities, and then in such a way that when the emergency is over the objects are taken back to where they came from. We also order the aforesaid churches, vessels, corporals and vestments to be kept neat and clean. For it seems too absurd to take no notice of squalor in sacred things when it is unbecoming even in profane things?

20. On keeping the chrism and the eucharist under lock and key

We decree that the chrism and the eucharist are to be kept locked away in a safe place in all churches, so that no audacious hand can reach them to do anything terrible or impious. If he who is responsible for their safe-keeping leaves them around carelessly, let him be suspended from office for three months; if anything unspeakable happens on account of his carelessness, let him be subject to graver punishment.⁶

¹ See among others, Lateran council III, canon 20 (see above p. 221).

² ch. 9, *Decretals*, III 50 (Fr 2, 659-660); see also F. W. Maitland, *Roman Canon Law in the Church of England*, London 1898, 162-163; St. Kuttner, *Kanonistische Schuldlehre von Gratian bis auf die Dekretalen Gregors IX.* (Studien und Texte, 64), Vatican City 1935, 244; Fliche 205.

³ Mk 11, 16.

⁴ See Ps 68. 10; Jn 2, 17.

⁵ ch. 2, *Decretals*, III 44 (Fr 2, 649-650); see Fliche 206; Maccarrone 296.

⁶ ch. 1, *Decretals*, III 44 (Fr 2, 649); see Fliche 206.

21. *De confessionefacienda et mandata a sacerdote et saltem in pascha communicando*

Omnis utriusque sexus fidelis, postquam ad annos discretionis pervenerit, omnia sua solus peccata confiteatur fideliter, saltem semel in anno proprio sacerdoti, et iniunctam sibi poenitentiam studeat pro viribus adimplere, suscipiens reverenter ad minus in pascha eucharistiae sacramentum, nisi forte de consilio proprii sacerdotis ob aliquam rationabilem causam ad tempus ab eius perceptione duxerit abstinendum; alioquin et vivens ab ingressu ecclesiae arceatur et moriens Christiana careat sepultura. Unde hoc salutare statutum frequenter in ecclesiis publicetur, ne quisquam ignorantiae caecitate velamen excusationis assumat. Si quis autem alieno sacerdoti voluerit iusta de causa sua confiteri peccata, licentiam prius postulet et obtineat a proprio sacerdote, cum aliter ille ipsum non possit solvere vel ligare³. Sacerdos autem sit discretus et cautus, ut more periti medici superinfundat vinum et oleum⁴ vulneribus sauciati, diligenter inquirens et peccatoris circumstantias et peccati, per quas prudenter intelligat, quale illi consilium debeat exhibere et cuiusmodi remedium adhibere, diversis experimentis utendo ad sanandum aegrotum. Caveat autem omnino, ne verbo vel signo vel alio quovis modo prodat aliquatenus peccatorem, sed si prudentioribus consilio indiguerit, illud absque ulla expressione personae caute requirat, quoniam qui peccatum in poenitentiali iudicio sibi detectum praesumpserit revelare, non solum a sacerdotali officio deponendum decernimus, verum etiam ad agendam perpetuam poenitentiam in arctum monasterium detrudendum.⁴

22. *Quod infirmiprius provideatur animae quam corpori*

Cum infirmitas corporalis nonnumquam ex peccato proveniat, dicente Domino, languido quem sanaverat: *Vade et amplius noli peccare*, ne deterius aliquid tibi contingat**, decreto praesenti statuimus et districte praecipimus medicis corporum, ut cum eos ad infirmos vocari contigerit, ipsos ante omnia moneant et inducant, quod medicos advocent animarum, ut postquam infirmis fuerit de spirituali salute provisum, ad corporalis medicinae remedium salubrius procedatur, cum causa cessante cesset effectus. Hoc quidem inter alia huic causam dedit edicto, quod quidam in aegritudinis lecto iacentes, cum eis a medicis suadetur, ut de animarum

* alter *M* b prudentiorum *Cr* c medico *Cr*

1 Cf. P. A. Kirsch, *Der sacerdos proprius in der abendländischen Kirche vor dem Jahre 1215*, Archiv für katholisches Kirchenrecht 84 (1904) 527-537.

* Cf. Mt 16,19; 18,18. » Cf. Lc 10,34.

4 c. 12 X. V 38 (Fr 2, 887-888); cf. inter alios H. C. Lea, *A History of Auricular Confession*. Philadelphia 1896, 228-230, 278-279, 370, 401, 420; A. Gottlob, *Kreuzablass und Almosenablass. Eine Studie über die Freiheit des Ablaufwesens*, Stuttgart 1906, 262-263; A. Teetacrt, *La confession aux laïques dans l'église latine depuis le VIII^e jusqu'au XIV^e siècle...*, Paris 1926, 257-259 et passim; J. T. McNeill - H. M. Gamer, *Medieval Handbooks of Penance*, New York 1938, 29, 413-414; P. Browe, *Die Pflichtkommunion im Mittelalter*, Münster 1940, 24, 43-44, 56, 111-112, 146-147, 151 sqq.; Fliche 100-201, 206; Till 36, 153, 164; Maccarrone 296. 10 8.11. 10 5,14.

21. *On confession being made, and not revealed by the priest, and on communicating at least at Easter*

All the faithful of either sex, after they have reached the age of discernment, should individually confess all their sins in a faithful manner to their own priest at least once a year¹, and let them take care to do what they can to perform the penance imposed on them. Let them reverently receive the sacrament of the eucharist at least at Easter unless they think, for a good reason and on the advice of their own priest, that they should abstain from receiving it for a time. Otherwise they shall be barred from entering a church during their lifetime and they shall be denied a Christian burial at death. Let this salutary decree be frequently published in churches, so that nobody may find the pretence of an excuse in the blindness of ignorance. If any persons wish, for good reasons, to confess their sins to another priest let them first ask and obtain the permission of their own priest; for otherwise the other priest will not have the power to absolve or to bind them². The priest shall be discerning and prudent, so that like a skilled doctor he may pour wine and oil³ over the wounds of the injured one. Let him carefully inquire about the circumstances of both the sinner and the sin, so that he may prudently discern what sort of advice he ought to give and what remedy to apply, using various means to heal the sick person. Let him take the utmost care, however, not to betray the sinner at all by word or sign or in any other way. If the priest needs wise advice, let him seek it cautiously without any mention of the person concerned. For if anyone presumes to reveal a sin disclosed to him in confession, we decree that he is not only to be deposed from his priestly office but also to be confined to a strict monastery to do perpetual penance.⁴

22. *That the sick should provide for the soul before the body*

As sickness of the body may sometimes be the result of sin — as the Lord said to the sick man whom he had cured, *Go and sin no more⁵, lest something worse befall you⁵* — so we by this present decree order and strictly command physicians of the body, when they are called to the sick, to warn and persuade them first of all to call in physicians of the soul so that after their spiritual health has been seen to they may respond better to medicine for their bodies; for when the cause ceases so does the effect. This among other things has occasioned this decree,

¹ See P. A. Kirsch, *Der sacerdos proprius in der abendlandischen Kirche vor dem Jahre 1215*, Archiv für katholisches Kirchenrecht 84 (1904) 527-537.

² See Mt 16, 19; 18, 18.

³ See Lk 10, 34.

⁴ ch. 12, *Decretals*, V 38 (Fr 2, 887-888); see among others, H. C. Lea, *A History of Auricular Confession ...*, I Philadelphia 1896, 228-230, 278-279, 370, 401, 420; A. Gottlob, *Kreuzabläß und Almosenabläß. Eine Studie über die Frühzeit des Ablasswesens*, Stuttgart 1906, 262-263; A. Teetaen, *La confession aux laïques dans l'église latine de VIIIe jusqu'au XIVe siècle ...*, Paris 1926, 257-259 and passim; J. T. McNeill-H. M. Gamer, *Medieval Handbooks of Penance*, New York 1938, 29, 413-414; P. Browe, *Die Pflichtkommunion im Mittelalter*, Münster 1940, 24, 43-44, 56, 111-112, 146-147, 151ff.; Fliche 200-201, 206; Tillmann 36, 153, 164 (trans. Sax 37-38. 189-190, 198); Maccarrone 296.

⁵ Jn 8, 11. ⁶ Jn 5, 14.

salute disponant, in desperationis articulum incidunt, unde facilius mortis periculum incurrunt. Si quis autem medicorum huius nostrae constitutionis, postquam per praelatos locorum fuerit publicata, transgressor extiterit, tamdiu ab ingressu ecclesiae arceatur, donec pro transgressione
 5 huiusmodi satisfecerit competenter. Ceterum cum anima sit multo pretiosior corpore, sub interminatione anathematis prohibemus, ne quis medicorum pro corporali salute aliquid aegroto suadeat, quod in periculum animae convertatur.¹

23. *fix'decclesia catbedralis ni figularis ultra tres menses nan rosei*

io Ne pro defectu pastoris gregem dominicum lupus rapax invadat²
 aut in facultatibus suis ecclesia viduata grave dispendium patiatur, volentes in hoc³ occurrere periculis animarum et ecclesiarum indemnitatibus providere, statuimus ut ultra tres menses cathedralis vel regularis ecclesia praelato non vacet, infra quos iusto impedimento cessante, si electio
 is celebrata non fuerit, qui eligere debuerant, eligendi potestate careant ea vice ac ipsa eligendi potestas ad eum, qui proximo praeesse dignoscitur, devolvatur. Is vero ad quem devoluta fuerit potestas, Dominum habens prae oculis, non differat ultra tres menses cum capituli sui consilio et aliorum virorum prudentium, viduatam ecclesiam de persona idonea
 io ipsius quidem ecclesiae vel alterius, si digna non reperiatur in illa, canonicè ordinare, si canonicam voluerit effugere ultionem.³

24. *De electionefacienda per scrutiniim rei compromissum*

Quia propter electionum formas diversas, quas quidam invenire conantur, et multa impedimenta proveniunt et magna pericula imminet ecclesiis viduatis, statuimus ut cum electio fuerit celebranda, praesentibus omnibus qui debent et volunt et possunt commode intéressé, assumantur tres de collegio fide digni, qui secreto et singulatim vocesb cunctorum diligenter exquirant, et in scriptis redacta, mox publicent in communi, nullo prorsus appellationis obstaculo interiecto, ut is collatione adhibita eligatur, in quem omnes vel maior vel sanior pars capitulé consentit; vel saltem eligendi potestas aliquibus viris idoneis committatur, qui vice omnium ecclesiae viduatae provideant de pastore; aliter electio facta non valeat, nisi forte communiter esset ab o^{mn}ibus quasi per inspirationem divinam absque vitio celebrata. Qui vero contra praedictas formas eligere attentaverint, eligendi ea vice potestate priventur. Illud penitus interdici-
 mus, ne quis in electionis negotio procuratorem constituat, nisi sit

a etiam *add. LC* b vota v. *L Rm M* c *om. Cr*

¹ c. 13 *X.* V 38 (Fr 2, 888); cf. inter alios H. G. Lea, *A History of Auricular Confession* .. I 262; Fliche 207; Tillmann 153, 160; Maccarrone 296.

* Cf. 10 10,12.

³ c. 41 *X.* I 6 (Fr 2, 88); de c. 23-26 cf. G. J. Ebers, *Das Dnolutionsrtcbt vornebmieeb nach kasbolisebem Kinbenrtcbts*, Stuttgart 1906, 184sq., 298-299, 336, 348 sq., 364; Fliche 207-208; Tillmann 156.

namely that some people on their sickbed, when they are advised by physicians to arrange for the health of their souls, fall into despair and so the more readily incur the danger of death. If any physician transgresses this our constitution, after it has been published by the local prelates, he shall be barred from entering a church until he has made suitable satisfaction for a transgression of this kind. Moreover, since the soul is much more precious than the body, we forbid any physician, under pain of anathema, to prescribe anything for the bodily health of a sick person that may endanger his soul.¹

23. That a cathedral church or a church of the regular clergy is not to remain vacant for more than three months

Lest a rapacious wolf attack the Lord's flock for want of a shepherd², or lest a widowed church suffer grave injury to its good, we decree, desiring to counteract the danger to souls in this matter and to provide protection for the churches, that a cathedral church or a church of the regular clergy is not to remain without a prelate for more than three months. If the election has not been held within this time, provided there is no just impediment, then those who ought to have made the election are to lose the power to elect for that time and it is to devolve upon the person who is recognized as the immediate superior. The person upon whom the power has devolved, mindful of the Lord, shall not delay beyond three months in canonically providing the widowed church, with the advice of his chapter and of other prudent men, with a suitable person from the same church, or from another if a worthy candidate cannot be found in the former, if he wishes to avoid canonical penalty?

24. On making an election by ballot or by agreement

On account of the various forms of elections which some try to invent, there arise many difficulties and great dangers for the bereaved churches. We therefore decree that at the holding of an election, when all are present who ought to, want to and conveniently can take part, three trustworthy persons shall be chosen from the college who will diligently find out, in confidence and individually, the opinions of everybody. After they have committed the result to writing, they shall together quickly announce it. There shall be no further appeal, so that after a scrutiny that person shall be elected upon whom all or the greater or sounder part of the chapter agree. Or else the power of electing shall be committed to some suitable persons who, acting on behalf of everybody, shall provide the bereaved church with a pastor. Otherwise the election made shall not be valid, unless perchance it was made by all together as if by divine inspiration and without flaw. Those who attempt to make an election contrary to the aforesaid forms shall be deprived of the power of electing on that

¹ ch. 13, *Decretals*, V 38 (Fr 2, 8S8); see among others, H. C. Lea, *A History of Auricular Confession* ..., I 262; Fliche 207; Tillmann 153, 160 (trans. Sax 189, 195); Maccarrone 296.

² Seejn 10, 12.

⁵ ch. 41, *Deaetals*, I 6 (Fr 2, 88); on constitutions 23-26, see G. J. Ebers, *Das Devolutionsrecht vomehmlich nach katholischem Kirchenrecht*, Stuttgart 1906, 184ff., 298-299, 336, 348ff, 364; Fliche 207-208; Tillmann 156 (trans. Sax 192).

absens in eo loco de quo debeat advocari iustoque impedimento detentus venire non possit; super quo, si fuerit opus, fidem faciat iuramento et tunc si voluerit uni committat de ipso collegio vicem suam. Electiones quoque clandestinas reprobamus, statuentes ut, quam cito electio fuerit celebrata, solemniter publicetur.¹

&

25. *Quod electio facta per saecularis potestatis abusus non tale sit*

Quisquis electioni de se factae per saecularis potestatis abusus consentire praesumpserit contra canonicam libertatem, et electionis comodo careat et inelegibilis fiat, nec^{*} absque dispensatione⁶ possit ad aliquam eligi dignitatem. Qui vero electionem huiusmodi, quam ipso iure irritam esse censemus, praesumpserint celebrare, ab officiis et beneficiis penitus per trienniugi suspendantur, eligendi tunc potestate privati.²

io

26. *De poena indigne confirmantis electionem*

Nihil est quod ecclesiae Dei magis officiat, quam quod indigni assumantur praelati ad regimen animarum. Volentes igitur huic morbo is necessariam adhibere medelam, irrefragabili constitutione sancimus, quatenus cum quisquam fuerit ad regimen animarum assumptus, is ad quem pertinet ipsius confirmatio, diligenter examinet et electionis processum et personam electi, ut cum omnia rite concurrerint, munus ei confirmationis impendat; quia si secus fuerit incaute praesumptum, non solum deiciendus est indigne promotus, verum etiam indigne promovens puniendus. Ipsum quoque decernimus hac animadversione puniri ut, cum de ipsius constiterit negligentia, maxime si hominem insufficientis scientiae vel inhonestae vitae aut aetatis illegitimae approbaverit, non solum confirmandi primum successorem illius careat potestate, verum etiam, ne aliquo casu poenam effugiat, a perceptione proprii beneficii suspendatur, quousque, si aequum fuerit, indulgentiam valeat promereri; si convictus fuerit in hoc per malitiam excessisse, graviore subiaceat ultioni. Episcopi quoque tales ad sacros ordines et ecclesiasticas dignitates promovere procurent, qui commissum sibi officium digne valeant adimplere, si et ipsi canonicam cupiunt effugere ultionem. Caeterum qui ad Romanum pertinent immediate pontificem, ad percipiendam sui confirmationem officii, eius se conspectui, si commode potest fieri, personaliter repraesentent vel personas transmittant idoneas, per quas diligens inquisitio super electionis processu et electis possit haberi, ut sic demum per ipsius circumspectionem consilii, sui plenitudinem assequantur officii, cum eis nihil obstiterit de canonicis institutis, ita quod interim valde remoti videlicet ultra Italiam constituti, si electi fuerint in concordia, dispensative propter necessitates et utilitates ecclesiarum, in spiritualibus et temporalibus administrent, sic tamen ut de rebus ecclesiasticis nil penitus alienent. Munus vero

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¹ et *Cr* ^b non *Cr* ^c *Cr*

¹ c. 42 *X*. I 6 (Fr 2, 88-89); cf. Tillmann 156; de c. 24-26 cf. etiam Fliche 208.

^{*} c. 43 *X*. I 6 (Fr 2, 89).

occasion. We absolutely forbid anyone to appoint a proxy in the matter of an election, unless he is absent from the place where he ought to receive the summons and is detained from coming by a lawful impediment. He shall take an oath about this, if necessary, and then he may commit his representation to one of the college, if he so wishes. We also condemn clandestine elections and order that as soon as an election has taken place it should be solemnly published.'

25. That an election made by a secular power is not valid

Whoever presumes to consent to his being elected through abuse of the secular power, against canonical freedom, both forfeits the benefit of being elected and becomes ineligible, and he cannot be elected to any dignity without a dispensation. Those who venture to take part in elections of this kind, which we declare to be invalid by the law itself, shall be suspended from their offices and benefices for three years and during that time shall be deprived of the power to elect.¹

26. On the penalty for improperly confirming an election

There is nothing more harmful to God's church than for unworthy prelates to be entrusted with the government of souls. Wishing therefore to provide the necessary remedy for this disease, we decree by this irrevocable constitution that when anyone has been entrusted with the government of souls, then he who holds the right to confirm him should diligently examine both the process of the election and the character of the person elected, so that when everything is in order he may confirm him. For, if confirmation was granted in advance when everything was not in order, then not only would the person improperly promoted have to be rejected but also the author of the improper promotion would have to be punished. We decree that the latter shall be punished in the following way: if his negligence has been proved, especially if he has approved a man of insufficient learning or dishonest life or unlawful age, he shall not only lose the power of confirming the person's first successor but shall also, lest by any chance he escapes punishment, be suspended from receiving the fruits of his own benefice until it is right for him to be granted a pardon. If he is convicted of having erred intentionally in the matter, then he is to be subject to graver punishment. Bishops too, if they wish to avoid canonical punishment, should take care to promote to holy orders and to ecclesiastical dignities men who will be able to discharge worthily the office entrusted to them. Those who are immediately subject to the Roman pontiff shall, to obtain confirmation of their office, present themselves personally to him, if this can conveniently be done, or send suitable persons through whom a careful inquiry can be made about the process of the election and the persons elected. In this way, on the strength of the pontiff's informed judgment, they may finally enter into the fullness of their office, when there is no impediment in canon law. For a time, however, those who are in very distant parts, namely outside Italy, if they were elected peaceably, may by dispensation, on account of the needs and benefit of the churches, administer in things spiritual and temporal, but in such a way that they alienate

¹ ch. 42, *Decretals*, I 6 (Fr 2, 88-89); see Tillmann 156 (trans. Sax 192); on constitutions 24-26, see also Fliche 208.

² ch. 43, *Decretals*, I 6 (Fr 2, 89).

consecrationis seu benedictionis recipiant, sicut hactenus recipere consueverunt.¹*

27. *De instructione ordinandorum*

Cum sit ars artium regimen animarum, districte praecipimus, ut episcopi promovendos in sacerdotes diligenter instruant et informant vel
5 per se ipsos vel per alios viros idoneos super divinis officiis et ecclesiasticis sacramentis, qualiter ea rite valeant celebrare; quoniam si ignaros et rudes de caetero ordinare praesumpserint, quod quidem facile poterit deprehendi', et ordinatores et ordinatos gravi decrevimus subiacere
io ultioni. Satiusb est enim, maxime in ordinatione sacerdotum^c, paucos bonos quam multos malos habere ministros, quia si *caecus caecum* duxerit, *ambo in foveam*¹ dilabuntur?

28. *Quod compellantur cedere qui postulaverunt licentiam cedendi*

Quidam licentiam cedendi cum instantia postulantes, ea obtenta,
is cedere praetermittunt. Sed cum in postulatione cessionis huiusmodi aut ecclesiarum commoda quibus praesunt aut salutem videantur propriam attendisse, quorum neutrum suasionibus aliquorum quaerentium quae sunt sua⁴, seud etiam levitate qualibet volumus impediri, ad cedendum eos decernimus compellendos.⁵*

29. *Quod nullus babeat duo beneficia cum cura annexa*

De multa providentia fuit in Lateranensi concilio[®] prohibitum, ut nullus diversas dignitates ecclesiasticas et plures ecclesias parochiales reciperet contra sacrorum onum instituta, alioquin et recipiens sic receptum amitteret et largiendi potestate conferens privaretur. Quia vero propter praesumptiones' et cupiditates quorundam, nullus hactenus fructus aut rarus de praedicto statuto provenit, nos evidentius et expressius occurrere cupientes, praesenti decreto statuimus, ut quicumque receperit aliquod beneficium habens curam animarum annexam, si prius tale beneficium obtinebat, eo sit iure ipso privatus, et si forte illud retinere contenderit, alio etiam spoliatur. Is quoque ad quem prioris spectat donatio, illud post receptionem alterius libere conferat, cui merito viderit conferendum, et si ultra tres menses conferre distulerit, non solum ad alium secundum statutum Lateranensis concilii⁷ eius collatio devolvatur, verum etiam tantum de suis cogatur proventibus in utilitatem[^] ecclesiae, cuius

35 a comprehendi *Cr* h satius *Rm* sanius *Cr* sanctius v. *I. Cr* c ordine sacerdotii *Cr*
d om. *Cr* e suppressiones *Cr* f illius *add. Cr*

¹ c. 44 *X. I* 6 (Fr 2,89-90); cf. etiam conc. Lat. III, c. 3 (v. supra p. 212); cf. Tillmann 153, 155; Maccarrone 294.

* Lc 6,39; cf. Mt 15,14. » c. 14 *X. I* 14 (Fr 2,130-131); cf. Tillmann 155.

« Cf. Ph 2,21.

⁵ c. 12 *X. I* 9 (Fr 2,113); de c. 28-29 cf. etiam F. W. Maitland, *Roman Canon Law in the Church of England*, London 1898, 20-21, 149.

• Cf. conc. Lac III, c. 13 (v. supra p. 218).

⁷ Cf. conc. Lat. III, c. 8 (v. supra p. 215).

nothing whatever of the church's goods. They may receive the customary consecration or blessing.²

27. *On the instructton ofordinantis*

To guide souls is a supreme art. We therefore strictly order bishops carefully to prepare those who are to be promoted to the priesthood and to instruct them, either by themselves or through other suitable persons, in the divine services and the sacraments of the church, so that they may be able to celebrate them correctly. But if they presume henceforth to ordain the ignorant and unformed, which can indeed easily be detected, we decree that both the ordainers and those ordained are to be subject to severe punishment. For it is preferable, especially in the ordination of priests, to have a few good ministers than many bad ones, for if *a blind man leads another blind man, both will fall into the pit*.⁵

28. *That those who have asked for permission to resign are to be compelled to do so*

Certain persons insistently ask for permission to resign and obtain it, but then do not resign. Since in such a request to resign they would seem to have in mind either the good of the churches over which they preside or their own well-being, neither of which do we wish to be impeded either by the arguments of any people seeking their own interests⁴ or even by a certain fickleness, we therefore decree that such persons are to be compelled to resign?

29. *That nobody may hold two benefices with the cure of souls attached*

With much foresight it was forbidden in the Lateran council⁶ for anyone to receive several ecclesiastical dignities and several parish churches, contrary to the regulations of the sacred canons, on pain of both the recipient losing what he had received and the conferrer being deprived of the power to confer. On account of the presumption and covetousness of certain persons, however, none or little fruit is resulting from this statute. We therefore, desiring to remedy the situation more clearly and expressly, ordain by this present decree that whoever receives any benefice with the cure of souls attached, if he was already in possession of such a benefice, shall be deprived by the law itself of the benefice held first, and if perchance he tries to retain this he shall also be deprived of the second benefice. Moreover, the person who has the right to confer the first benefice may freely bestow it, after the recipient has obtained a second benefice, on someone who seems to deserve it. If he delays in conferring it beyond three months, however, then not only is the collation to devolve upon another person, according to the statute of the Lateran council⁷, but also he shall be compelled to

¹ ch. 44, *Decretals*, I 6 (Fr 2, 89-90); see also Lateran council III, canon 3 (see above p. 212); see Tillmann 153, 155 (trans. Sax 189, 190-191); Maccarrone 294.

² Lk 6, 39; see Mt 15, 14.

³ ch. 14, *Decretals*, I 14 (Fr 2, 130-131); see Tillmann 155 (trans. Sax 190-191).

⁴ See Ph 2, 21.

⁵ ch. 12, *Decretals*, I 9 (Fr 2, 113); on constitutions 28-29, see also F. W. Maitland, *Roman Canon Law in the Church of England*, London 1898, 20-21, 149.

⁶ See Lateran council III, canon 13 (see above p. 218).

⁷ See Lateran council III, canon 8 (see above p. 215).

illud est beneficium, assignare, quantum a tempore vacationis ipsius constiterit ex eo esse perceptum. Hoc idem in personatibus decernimus observandum, addentes ut in eadem ecclesia nullus plures dignitates aut* personatus* habere praesumat, etiam si curam non habeant animarum. Circa sublimes tamen et litteratas personas, quae maioribus sunt beneficiis honorandae, cum ratio postulaverit, per sedem apostolicam poterit dispensari.¹

30. *De idoneitate initituendorum in ettluiù*

Grave nimis est et absurdum, quod quidem praelati ecclesiarum, cum possint viros idoneos ad ecclesiastica beneficia promovere, assumere non verentur indignos, quibus nec morum honestas nec literarum scientia suffragatur, carnalitatis sequentes affectum, non iudicium rationis. Unde quanta ecclesiis damna proveniant, nemo sanae mentis ignorat. Volentes igitur huic morbo mederi, praecipimus ut, praetermissis indignis, assumant idoneos, qui Deo et ecclesiis velint et valeant gratum impendere famulatum fiatque de hoc in provinciali concilio diligens inquisitio annuatim, ita quod qui post primam et secundam correctionem⁸ fuerit repertus culpabilis, a conferendis beneficiis per ipsum concilium suspendatur, instituta in eodem concilio persona provida et honesta, quae suppleat suspensi defectum in beneficiis conferendis; et hoc ipsum circa capitula quae in his deliquerint, observetur. Metropolitani vero delictum superioris iudicio relinquatur ex parte concilii nunciandum. Ut autem haec salubris provisio plenior consequatur effectum, "hujusmodi suspensionis sententia praeter Romani pontificis auctoritatem aut proprii patriarchae minime relaxetur, ut in hoc quoque quatuor patriarchales sedes specialiter honorentur.²

31. *De filiis canonicorum non instituendis cum patribus*

Ad abolendam pessimam quae in plerisque inolevit ecclesiis corruptelam, firmiter prohibemus, ne canonicorum filii, maxime spurii, canonici fiant in saecularibus ecclesiis, in quibus instituti sunt patres; et si fuerit contra praesumptum, decernimus non valere. Qui vero tales, ut dictum est, canonicare praesumpserint, a suis beneficiis suspendantur.³

32. *Ut patroni competentem portionem dimittant clericis*

Exstirpandae consuetudinis vitium in quibusdam partibus inolevit, quod scilicet patroni ecclesiarum parochialium et aliae quaedam personae, proventus ipsarum sibi penitus vendicantes, presbyteris earundem servitiis' deputatis relinquunt adeo exiguum portionem, ut ex ea congrue nequeant sustentari. Nam ut pro certo didicimus, in quibusdam regioni-

* *poit* praesumat in *Cr* b receptionem *Cr*
c *om. Cr* d communicare *M* = servitio *C*

¹ c. 28 A. III 5 (Fr 2, 477-478); cf. Fliche 205; Tillmann 155.

² c. 29 X. m 5 (Fr 2, 478); cf. Fliche 208; Tillmann 157; Maccarrone 290.

* c. 16 X. I 17 (Fr 2, 140); cf. etiam conc. Lat. II, c. 21 (v. supra p. 202); cf. Fliche 208.

assign to the use of the church belonging to the benefice as much of his own income as is established as having been received from the benefice while it was vacant. We decree that the same is to be observed with regard to parsonages, adding that nobody shall presume to hold several dignities or parsonages in the same church even if they do not have the cure of souls. As for exalted and lettered persons, however, who should be honoured with greater benefices, it is possible for them to be dispensed by the apostolic see, when reason demands it.¹

30. On the suitability of those instituted to churches

It is very serious and absurd that prelates of churches, when they can promote suitable men to ecclesiastical benefices, are not afraid to choose unworthy men who lack both learning and honesty of behaviour and who follow the urgings of the flesh rather than the judgment of reason. Nobody of a sound mind is ignorant of how much damage to churches arises from this. Wishing therefore to remedy this ill, we order that they pass over unworthy persons and appoint suitable persons who are willing and able to offer a pleasing service to God and to the churches, and that careful inquiry be made about this each year at the provincial council. Therefore he who has been found guilty after a first and second correction is to be suspended from conferring benefices by the provincial council, and a prudent and honest person is to be appointed at the same council to make up for the suspended person's failure in this matter. The same is to be observed with regard to chapters who offend in these matters. The offence of a metropolitan, however, shall be left by the council to be reported to the judgment of the superior. In order that this salutary provision may have fuller effect, a sentence of suspension of this kind may not be relaxed at all without the authority of the Roman pontiff or of the appropriate patriarch, so that in this too the four patriarchal sees shall be specially honoured.²

31. On not instituting the sons of canons with their fathers

In order to abolish a very bad practice that has grown up in many churches, we strictly forbid the sons of canons, especially if they are illegitimate, to become canons in the secular churches in which their fathers hold office. If the contrary is attempted, we declare it to be invalid. Those who attempt to make such persons canons are to be suspended from their benefices.³

32. That patrons shall leave a suitable portion to clerics

There has grown up in certain parts a vicious custom which should be eradicated, namely that patrons of parish churches and certain other people claim the incomes from the churches wholly for themselves and leave to the priests, for the appointed services, such a small portion that they cannot live fittingly on it. For

¹ ch. 28, *Decretals*, III 5 (Fr 2, 477-478); see Fliche 205; Tillmann 155 (trans. Sax 191).

² ch. 29, *Decretals*, III 5 (Fr 2, 478); see Fliche 208; Tillmann 157 (trans. Sax 193); Maccarrone 290.

³ ch. 16, *Decretals*, I 17 (Fr 2, 140); see also Lateran council II, canon 21 (see above p. 202); see Fliche 208.

bus parochiales presbyteri pro sua sustentatione non obtinent nisi quartam quartae, id est sextamdecimam decimarum. Unde fit ut in his regionibus pene nullus inveniatur sacerdos parochialis, qui vel modicam habeat peritiam¹ literarum. Cum igitur os bovis alligari non debeat trituran-
 # sed qui altari servit vivere debeat de altari², statuimus ut, consuetudine qualibet episcopi vel patroni seu cuiuscumque alterius non obstante, portio presbyteris ipsis sufficiens assignetur. Qui vero parochialem habet ecclesiam, non per vicarium sed per seipsum illi deserviat in ordine, quem ipsius ecclesiae cura requirit, nisi forte praebendae vel dignitati
 io parochialis ecclesia sit annexa; in quo casu concedimus, ut is qui talem habeat praebendam vel dignitatem, cum oporteat eum in maiori ecclesia deservire, in ipsa parochiali ecclesia idoneum et perpetuum studeat habere vicarium canonice institutum, qui ut praedictum est congruentem habeat de ipsis ecclesiae proventibus portionem; alioquin illa se sciat
 is huius decreti auctoritate privatum, libere alii conferenda, qui velit et possit, quod praedictum est, adimplere. Illud autem penitus interdici-
 mus, ne quis in fraudem de proventibus ecclesiae, quae curam proprii sacerdotis debet habere, pensionem alii quasi pro beneficio conferre praesumat.³

33. *De prKrationibxs non accipiendis sine visitatione*

m Procuraciones quae visitationis ratione debentur episcopis, archidiaconis vel quibuslibet aliis, etiam apostolicae sedis legatis aut nunciis, absque manifesta et necessaria causa nullatenus exigantur, nisi quando praesentialiter officium visitationis impendunt, et tunc evectionum et personarum mediocritatem observent in Lateranensi concilio⁴ definitam.
 25 Hoc adhibito moderamine circa legatos et nuncios apostolicae⁸ sedis⁸, ut cum oportuerit eos apud aliquem locum moram facere necessariam, ne locus ille propter illos nimium aggravetur, procuraciones recipiant moderatas ab aliis ecclesiis vel personis, quae nondum fuerunt de suis procuracionibus aggravatae, ita quod numerus procuracionum numerum
 m dierum, quibus huiusmodi moram fecerint, non excedat; et cum aliqua non suffecerit per ipsam, duae vel plures coniungantur in unam. Porro visitationis officium exercentes, non quaerant quae sua sunt⁸ sed quae Iesu Christi⁵, praedicationi et exhortationi¹⁰, correctioni et reformationi vacando, ut fructum referant qui non perit. Qui autem contra hoc^d venire
 35 praesumpserit, et quod acceperat reddat et ecclesiae^e quam taliter aggravavit[^] tantundem rependat[^].*

a notitiam *Cr* h cw. *Cr* c et add. *Cr* d om. *Rm* e ecclesiis *Cr*
 f quae ... aggravantur *Cr* g impendat *Cr*

¹ Cf. Dt 25,4; 1 Cor 9,9; 1 Tm 5,18. « Cf. 1 Cor 9,13.

³ c. 30 X. III 5 (Fr 2, 478-479); cf. Fliche 209; Tillmann 155, 158.

* Cf. cone. Lat. III. c. 4 (v. supra p. 213). 4 Cf. Ph 2, 21.

• c. 23 X. III 39 (Fr 2, 632); cf. Fliche 210; Tillmann 153.

in some regions, as we have learnt for certain, parish priests receive for their sustenance only a quarter of a quarter, that is to say a sixteenth, of the tithes. Whence it comes about in these regions that almost no parish priest can be found who is even moderately learned. As the mouth of the ox should not be muzzled when it is treading out the grain¹, and he who serves at the altar should live from it²³we therefore decree that, notwithstanding any custom of a bishop or a patron or anyone else, a sufficient portion is to be assigned to the priest. He who has a parish church is to serve it not through a vicar but in person, in the due form which the care of that church requires, unless by chance the parish church is annexed to a prebend or a dignity. In that case we allow that he who has such a prebend or dignity should make it his business, since he must serve in the greater church, to have a suitable and permanent vicar canonically instituted in the parish church; and the latter is to have, as has been said, a fitting portion from the revenues of the church. Otherwise let him know that by the authority of this decree he is deprived of the parish church, which is freely to be conferred on someone else who is willing and able to do what has been said. We utterly forbid anyone to dare deceitfully to confer a pension on another person, as it were as a benefice, from the revenues of a church which has to maintain its own priest?

33. On not receiving procurations without a visitation being made

Procurations which are due, by reason of a visitation, to bishops, archdeacons or any other persons, as well as to legates or nuncios of the apostolic see, should by no means be exacted, without a clear and necessary reason, unless the visitations were carried out in person; and then let them observe the moderation in transport and retinue laid down in the Lateran council⁴. We add the following moderation with regard to legates and nuncios of the apostolic see: that when it is necessary for them to stay in any place, and in order that the said place may not be burdened too much on their behalf, they may receive moderate procurations from other churches and persons that have not yet been burdened with procurations of their own, on condition that the number of procurations does not exceed the number of days in the stay; and when any of the churches or persons have not sufficient means of their own, two or more of them may be combined into one. Those who exercise the office of visitation, moreover, shall not seek their own interests but rather those of Jesus Christ⁵⁶by devoting themselves to preaching and exhortation, to correction and reformation, so that they may bring back fruit which does not perish. He who dares to do the contrary shall both restore what he has received and pay a like amount in compensation to the church which he has thus burdened.[^]

¹ See Dt 25, 4; 1 Cor 9, 9; 1 Tm 5, 18.

² See 1 Cor 9, 13.

³ ch. 30, *Decretals*, III 5 (Fr 2, 478-479); see Fliche 209; Tillmann 155, 158 (trans. Sax 191, 193).

⁴ See Lateran council III, canon 4 (see above p. 213).

⁵ See Ph 2, 21.

⁶ ch. 23, *Decretals*, III 39 (Fr 2, 632); see Fliche 210; Tillmann 153 (trans. Sax 190).

3-4. *De subditis non grarandis sub praetextu sertitii alicuius*

Quia praelati pleri^{aue}, ut procuracionem aut servitium aliquod impen-
dant legato vel alii*, plus extorquent a subditis quam solvant^b, et in
eorum damnis lucra sectantes, quaerunt praedam potius quam subsidium
in subiectis, id de caetero fieri prohibemus. Quod si quis forte praesump- 5
serit, et sic extorta restituat et tantundem cogatur pauperibus elargiri.
Superior autem, cuic super hoc fuerit querela deposita, si negligens fuerit
in huiusmodi exeeutione statuti, canonicae subiaceat ultioni.¹

33. *De causa appellationis exprimenda*

Ut debitus honor deferatur iudicibus et litigatoribus consulatur super 10
laboribus et expensis, statuimus ut ubi quis coram idoneo iudice con-
venerit adversarium, ille ante sententiam ad superiorem iudicem abs-
que rationabili causa non provocet, sed coram illo suam iustitiam prose-
quatur, non obstante si dicat quod ad superiorem iudicem nuncium
destinaverit, aut etiam literas impetraverit ab eodem, priusquam delegato 15
fuerint assignatae. Cum autem ex rationabili causa putaverit appellandum,
coram eodem iudice causa probabili appellationis exposita, tali videlicet
quae si foret probata, deberet legitima reputari, superior de appellatione
cognoscat, et si minus eum rationabiliter appellasse cognoverit, illum ad
inferiorem remittat et in expensis alteri parti condemnet. Alioquin ipse 20
procedat, salvis constitutionibus de maioribus causis ad sedem aposto-
licam perferendis.¹

* 36. *iudex ponit inUrlocuoriam et comminatoriam jententiam revocare*

Cum cessante causa cesset effectus, statuimus ut sive iudex ordina-
rius sive delegatus aliquid comminando vel interloquendo protulerit, 25
quo exeeutioni mandato alter litigantium gravaretur⁴, et sano usus con-
silio ab huiusmodi comminationis vel interlocutionis effectum destiterit,
libere in causae cognitione procedat, non obstante si a tali comminatione
vel interlocutione fuerit appellatum, dummodo non sit ex alia legitima
causa suspectus, ne processus negotii frivolis occasionibus retardetur.³ 30

37. *De litteris non impetrandis ultra duas diaetas et sine speciali mandato*

Nonnulli gratia sedis apostolicae abutentes, literas eius ad remotos
iudices impetrare nituntur, ut reus fatigatus laboribus et expensis liti
cedere vel importunitatem actoris redimere compellatur. Cum autem
per iudicium iniuriis aditus patere non debeat, quas iuris observantia 35
interdicit, statuimus ne quis ultra duas diaetas extra suam dioecesim per
litteras apostolicas ad iudicium trahi possit, nisi de assensu partium fuerint
impetratae vel expressam de hac constitutione fecerint mentionem. Sunt

* aliis *M* b exsolvant *Cr* c cum *M* d gravetur *Cr*

¹ c. 8 *X.* m 49 (Fr 2,656-657); cf. Fliche 210.

¹ c. 59 *X.* II 28 (Fr 2, 437); de c. 35-38 cf. Fliche 209.

» c. 60 *X.* II 28 (Fr 2,437).

34. *On not burdening subjects under the pretext of some service*

Many prelates, in order to meet the cost of a procuration or some service to a legate or some other person, extort from their subjects more than they pay out, and in trying to extract a profit from their losses they look for booty rather than help in their subjects. We forbid this to happen in the future. If by chance anyone does attempt it, he shall restore what he has extorted and be compelled to give the same amount to the poor. The superior to whom a complaint about this has been submitted shall suffer canonical punishment if he is negligent in executing this statute.¹

35. *On stating the grounds for an appeal*

In order that due honour may be given to judges and consideration be shown to litigants in the matter of trouble and expenses, we decree that when somebody sues an adversar)¹ before the competent judge, he shall not appeal to a superior judge before judgment has been given, without a reasonable cause; but rather let him proceed with his suit before the lower judge, without it being possible for him to obstruct by saying that he sent a messenger to a superior judge or even procured letters from him before they were assigned to the delegated judge. When, however, he thinks that he has reasonable cause for appealing and has stated the probable grounds of the appeal before the same judge, such namely that if they were proved they would be reckoned legitimate, the superior judge shall examine the appeal. If the latter thinks the appeal is unreasonable, he shall send the appellant back to the lower judge and sentence him to pay the costs of the other party; otherwise he shall go ahead, saving however the canons about major cases being referred to the apostolic see.²

36. *That a judge can revoke an interlocutory and a comminatory sentence*

Since the effect ceases when the cause ceases, we decree that if an ordinary judge or a judge delegate has pronounced a comminatory or an interlocutory sentence which would prejudice one of the litigants if its execution was ordered, and then acting on good advice refrains from putting it into effect, he shall proceed freely in hearing the case, notwithstanding any appeal made against such a comminator)¹ or interlocutory sentence, provided he is not open to suspicion for some other legitimate reason. This is so that the process is not held up for frivolous reasons?

37. *On not procuring letters which entail more than two days' journey and are without a special mandate*

Some people, abusing the favour of the apostolic see, try to obtain letters from it summoning people to distant judges, so that the defendant, wearied by the labour and expense of the action, is forced to give in or to buy off the importunate bringer of the action. A trial should not open the way to injustices that are

¹ ch. 8, *Decretals*, III 49 (Fr 2, 656-657); see Fliche 210.

² ch. 59. *Decretals*, II 28 (Fr 2, 437); on constitutions 35-38, see Fliche 209.

ch. 60, *Decretals*, II 28 (Fr 2, 437).

et alii, qui se ad novum genus mercimonii convertentes, ut vel sopitas possint suscitare querelas aut novas immittere quaestiones, fingunt causas, super quibus a sede apostolica literas impetrant absque domino-
 s rum mandato, quas vel reo, ne propter* eas laborum vel expensarum
 dispendio molestetur, aut actori, ut per ipsas adversarium indebita vexa-
 tione fatiget, venales exponunt. Cum autem lites restringendae sint po-
 tius quam laxandae, hac generali constitutione sancimus, ut si quis super
 aliqua quaestione de caetero sine mandato speciali domini literas aposto-
 licas impetrare praesumpserit, et literae illae non valeant et ipse tanquam
 io falsarius puniatur, nisi forte de illis personis exstiterit, de quibus non
 debet exigere de iure mandatum.¹

51. *De scribendis actis, ut probari possint*

Quoniam contra falsam assertionem iniqui iudicis innocens litigator
 quandoque non potest veram negationem probare, cum negantis
 is factum per rerum naturam nulla sit directa probatio, ne falsitas veritati
 praeiudicet aut iniquitas praevaleat aequitati, statuimus ut tam in ordi-
 nario iudicio quam extraordinario, iudex semper adhibeat aut publicam,
 si potest habere, personam, aut duos viros idoneos, qui fideliter universa
 iudicii acta conscribant, videlicet citationes, dilationes, recusationes et
 20 exceptiones, petitiones et responsiones, interrogationes, confessiones,
 testium depositiones, instrumentorum productiones, interlocutiones^b,
 appellationes^c, renunciationes, conclusiones et caetera quae occurrunt
 competenti ordine conscribenda, designando loca, tempora et personas,
 et omnia sic conscripta partibus tribuantur, ita quod originalia penes
 « scriptores remaneant, ut si super processu iudicis fuerit suborta con-
 tentio, per haec possit veritas declarari. Hoc adhibito moderamine, qua-
 tenus sic honestis et discretis^d deferatur iudicibus, quod per improvidos
 et iniquos innocentium iustitia non laedatur. Iudex autem qui constitu-
 tionem istam neglexerit observare, si propter eius negligentiam aliquid
 μ difficultatis emerit, per superiorem iudicem animadversione debita
 castigetur, nec pro ipsius praesumatur processu, nisi quatenus in causa
 legitimis constiterit documentis.²

39. *De restitutione danda contra possessorem, quae non rapuit ipse*

Saepe contingit quod, spoliatus iniuste, per spoliatorem in alium re
 translata, dum adversus possessorem non subvenitur per restitutionis
 beneficium spoliato, commodo possessionis amisso, propter difficultatem
 probationis ius proprietatis amittit effectum. Unde non obstante civilis

¹ per *Cr* ^b confessiones ... interlocutiones *om. Cr*

^c et appellationes *Cr* ^d *om. M* ^e declaretur et *add. M*

¹ c. 28 *X. I* 3 (Fr 2, 31); cf. inter alios R. von Heckel, *Das Aufkommen der ständigen Pro-
 kurratorm an der päpstlichen Kurie im 13. Jahrhundert*, Miscellanea Francesco Ehrle (Studi e
 testi, 38) U Roma 1924, 311-313; Tillmann 160.

² c. 11 *X. II* 19 (Fr 2, 313-314); cf. Tillmann 160.

forbidden by respect for the law. We therefore decree that nobody may be summoned by apostolic letters to a trial that is more than two days' journey outside his diocese, unless the letters were procured with the agreement of both parties or expressly mention this constitution. There are other people who, turning to a new kind of trade, in order to revive complaints that are dormant or to introduce new questions, make up suits for which they procure letters from the apostolic see without authorization from their superiors. They then offer the letters for sale either to the defendant, in return for his not being vexed with trouble and expense on account of them, or to the plaintiff, in order that by means of them he may wear out his adversary with undue distress. Lawsuits should be limited rather than encouraged. We therefore decree by this general constitution that if anyone henceforth presumes to seek apostolic letters on any matter without a special mandate from his superior, then the letters are invalid and he is to be punished as a forger, unless by chance persons are involved for whom a mandate should not in law be demanded.'

38. *On writing acts so that they can be proved*

An innocent litigant can never prove the truth of his denial of a false assertion made by an unjust judge, since a denial by the nature of things does not constitute a direct proof. We therefore decree, lest falsehood prejudice truth or wickedness prevail over justice, that in both ordinary and extraordinary trials the judge shall always employ either a public official, if he can find one, or two suitable men to write down faithfully all the judicial acts — that is to say the citations, adjournments, objections and exceptions, petitions and replies, interrogations, confessions, depositions of witnesses, productions of documents, interlocutions¹, appeals, renunciations, final decisions and the other things that ought to be written down in the correct order— stating the places, times and persons. Everything thus written down shall be given to the parties in question, but the originals shall remain with the scribes, so that if a dispute arises over how the judge conducted the case, the truth can be established from the originals. With this measure being applied, such deference will be paid to honest and prudent judges that justice for the innocent will not be harmed by imprudent and wicked judges. A judge who neglects to observe this constitution shall, if some difficulty arises from his negligence, be punished as he deserves by a superior judge; nor shall presumption be made in favour of his handling of the case except insofar as it accords with the legal documents.²

39. *On granting restitution against a person in possession who was not the robber*

It often happens, when a person has been unjustly robbed and the object has been transferred by the robber to a third party, that he is not helped by an action of restitution against the new possessor because he has lost the advantage of possession, and he loses in effect the right of ownership on account of the

b confessions ... interlocutions *omitted in Cr.*

¹ ch. 28, *Decretals*, I 3 (Fr 2, 31); see among others, R. von Heckel, *Das Aufkommen der ständigen Prokuratorcn an der päpstlichen Kurie im 13. Jahrhundert*, Miscellanea Francesco Ehrle (Studi e testi, 38) II Rome 1924, 311-313; Tillmann 160 (trans. Sax 195).

² ch. 11, *Decretals*, II 19 (Fr 2, 313-314); see Tillmann 160 (trans. Sax 195).

iuris rigore sanamus ut, si quis de caet ero scienter rem talem acceperit, cum spoliatori quasi succedat in vitium, eo quod non multum intersit, praesertim quoad periculum animae, detinere iniuste ac invadere alienum, contra possessorem huiusmodi spoliato per restitutionis beneficium succurratur?

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40. *De vera possessione*

Contingit interdum quod, cum actori ob contumaciam partis adversae adiudicatur causa rei servandae possessio, propter rei potentiam sive dolum actor infra annum rem custodiendam nancisci non potest vel nactam amittit, et sic cum secundum assertionem multorum verus non efficeretur post lapsum anni possessor, reportat com um de malitia sua reus. Ne igitur contumax melioris quam obediens conditionis existat, de onica aequitate sancimus, ut in casu praemisso actor verus constituatur elapso anno possessor.¹ Ad haec generaliter prohibemus, ne super rebus spiritualibus compromittatur in laicum, quia non decet ut laicus in talibus arbitretur.³

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41. *De continuatione bonae fidei in omni praescriptione*

Quoniam *omne quod non est ex fide, peccatum est**, synodali iudicio definimus, ut nulla valeat absque bona fide praescriptio tam canonica quam civilis, cum sit generaliter omni constitutioni atque* consuetudini* derogandum, quae absque mortali non potest observari peccato. Unde oportet ut, qui praescribit, in nulla temporis parte rei habeat conscientiam alienae.⁵

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42. *De saeculari iustitia*

Sicut volumus ut iura clericorum non usurpent laici, ita velle debemus, ne clerici iura sibi vindicent laicorum. Quocirca universis clericis interdiciamus, ne quis praetextu ecclesiasticae libertatis suam de caetero jurisdictionem extendat in praeiudicium iustitiae saecularis, sed contentus existat constitutionibus scriptis et consuetudinibus hactenus approbatis, ut *quae sunt Caesaris* reddantur *Caesari, et quae sunt Dei Deo**³ recta distributione reddantur.

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43. *Ne tunc causa clericus fidelitatem laico faciat*

Nimis de iure divino quidam laici usurpare conantur, cum viros ecclesiasticos, nihil temporale detinentes ab eis, ad praestandum sibi fidelitatis iuramenta compellunt. Quia vero secundum Apostolum, *servus suo Domino stat aut cadit*¹, sacri auctoritate concilii prohibemus, ne tales clerici personis saecularibus praestare cogantur huiusmodi iuramentum.⁸

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* *om. Cr*

¹ c. 18 X. II 13 (Fr 2,290). * c. 9 X. II 14 (Fr 2,297).

³ c. 8 X. I 43 (Fr 2,235); cf. Fliche 209. * Rm 14,23.

⁴ c. 20 X. II 26 (Fr 2, 393); cf. Fliche 209; de c. 41-42 cf. Maccarrone 296.

« Mt 22, 21; Mr 12, 17; Lc 20,25. * Rm 14,4.

• c. 30 X. II 24 (Fr 2,372); de c. 43-46 cf. Fliche 210.

difficulty of proving his case. We therefore decree, notwithstanding the force of civil law, that if anyone henceforth knowingly receives such a thing, then the one robbed shall be favoured by his being awarded restitution against the one in possession. For the latter as it were succeeds the robber in his vice, inasmuch as there is not much difference, especially as regards danger to the soul, between unjustly hanging on to another's property and seizing it.¹

40. *On true possession*

It sometimes happens that when possession of something is awarded to the plaintiff in a suit, on account of the contumacy of the other party, yet because of force or fraud over the thing he is unable to obtain custody of it within a year, or having gained it he loses it. Thus the defendant profits from his own wickedness, because in the opinion of many the plaintiff does not qualify as the true possessor at the end of a year. Lest therefore a contumacious party is in a better position than an obedient one, we decree, in the name of canonical equity, that in the aforesaid case the plaintiff shall be established as the true possessor after the year has elapsed.²³ Furthermore, we issue a general prohibition against promising to abide by the decision of a layman in spiritual matters, since it is not fitting for a layman to arbitrate in such matters?

4L *On continuing goodfaith in every prescription*

Since *whatever does not proceed from faith is sin*⁴, and since in general any constitution or custom which cannot be observed without mortal sin is to be disregarded, we therefore define by this synodal judgment that no prescription, whether canonical or civil, is valid without good faith. It is therefore necessary' that the person who prescribes should at no stage be aware that the object belongs to someone else.⁵⁶

42. *On secular justice*

Just as we desire lay people not to usurp the rights of clerics, so we ought to wish clerics not to lay claim to the rights of the laity. We therefore forbid every cleric henceforth to extend his jurisdiction, under pretext of ecclesiastical freedom, to the prejudice of secular justice. Rather, let him be satisfied with the written constitutions and customs hitherto approved, so that *the things of Caesar* may be rendered *unto Caesar*, and *the things of God* may be rendered *unto God*^b by a right distribution.

43. *On a cleric not doing fealty to a layman without good reason*

Certain laymen try to encroach too far upon divine right when they force ecclesiastics who do not hold any temporalities from them to take oaths of fealty to them. Since a servant *stands or falls with his Lord*, according to the Apostle*, we therefore forbid, on the authority of this sacred council, that such clerics be forced to take an oath of this kind to secular persons.⁸

¹ ch. 18, *Decretals*, II 13 (Fr 2, 290). ² ch. 9, *Decretals*, II 14 (Fr 2, 297).

³ ch. 8, *Decretals*, I 43 (Fr 2, 235); see Fliche 209. ⁴ Rm 14, 23.

⁵ ch. 20, *Decretals*, II 26 (Fr 2, 393); see Fliche 209; on constitutions 41-42, see Maccarrone 296.

⁶ Mt 22, 21; Mk 12, 17; Lk 20, 25. ⁷ Rm 14, 4.

⁸ ch. 30, *Decretals*, II 24 (Fr 2, 372); on constitutions 43-46, see Fliche 210.

44. *Quad cansiitutwvs prisuiptust non praeindicent eteluiit*

Cum laicis quamvis religiosis disponendi de rebus ecclesiasticis nulla sit attributa potestas, quos subsequendi manet necessitas non auctoritas imperandi, dolemus sic in quibusdam ex illis refrigescere caritatem, quod immunitatem ecclesiasticae libertatis, quam nedum sancti patres* sed etiam principes saeculares multis privilegiis munierunt, non formidant suis constitutionibus vel potius confictionibus impugnare, non solum de feudorum alienatione ac aliarum possessionum ecclesiasticarum et usurpatione iurisdicrionum, sed etiam de mortuariis necnon et aliis quae spirituali iuri videntur annexa, illicite praesumendo. Volentes igitur super his ecclesiarum indemnitati consulere acb tantis gravaminibus providere, constitutiones huiusmodi et vindicationes* feudorum seu aliorum bonorum ecclesiasticorum⁴, sine legitimo ecclesiasticarum personarum assensu praesumptas, occasione constitutionis laicae potestatis, cum non constitutio sed destitutio vel destructio dici possit necnon usurpatio iurisdictionum, sacri approbatione concilii decernimus non tenere, praesumptoribus per censuram ecclesiasticam compescendis.¹

45. *Patronus qui cUricum eccUsiat occùkrit vel mutilaverit, ius patronatus amittit*

In quibusdam provinciis ecclesiarum patroni seu vicedomini et advocati se in tantam insolentiam erexerunt, quod non solum, cum vacantibus debet ecclesiis de pastoribus idoneis provideri, difficultates ingerunt et* malitias, verum etiam de possessionibus et aliis bonis ecclesiasticis pro sua voluntate ordinare praesumunt et, quod horrendum est dicere, in necem praelatorum prorumpere non formidant. Cum igitur quod ad defensionis subsidium est inventum, ad depressionis dispendium non debeat retorqueri, prohibemus expresse, ne patroni vel advocati seu vicedomini super praemissis de caetero plus usurpent, quam reperiaturf in iure permissum; et si contra praesumpserint, districtissime per severitatem[®] canonicam compescantur. Sacri nihilominus concilii approbatione^{||} statuimus, quatenus si patroni vel advocati aut feudatarii seu vicedomini seu alii bñficiât!, alicuius ecclesiae rectorem^l vel clericum alium ipsius ecclesiae per se vel per alios occidere vel mutilare ausu nefando praesumpserint, patroni ius patronatus, advocati advocatiam, feudatarii feudum, vicedomini vicedominatum, bñficiât! beneficium prorsus amittant. Et ne minus vindictae quam excessus memoria prorogetur, non solum de praemissis nil perveniat ad heredes, sed etiam usque ad quartam generationem posteritates talium in clericorum collegium nullatenus admittantur^l nec in regularibus domibus alicuius praelationis assequantur honorem, nisi cum eis fuerit misericorditer^l dispensatum.²

40 a *am. Cr* b a *add. Cr* c *venditiones ».* I. *Rm M* d *ecclesiarum Cr* e *in M*
 repetitur *Cr* g *districtissime . . . canonicam] canonica districtione Cr*
 h *provisione Cr M* * *lectorem M*
 k *admittantur Su ».* / *Cr assumantur Cr* l *om. M*

¹ c. 12 X. m 13 (Fr 2, 516). * c. 12 X. V 37 (Fr 2, 883-884).

44. *That the ordinances of princes should not be prejudicial to churches*

Lay people, however devout, have no power to dispose of church property. Their lot is to obey, not to be in command. We therefore grieve that charity is growing cold in some of them so that they are not afraid to attack through their ordinances, or rather their fabrications, the immunity of ecclesiastical freedom, which has in the past been protected with many privileges not only by holy fathers but also by secular princes. They do this not only by alienating fiefs and other possessions of the church and by usurping jurisdictions but also by illegally laying hands on mortuaries and other things which are seen to belong to spiritual justice. We wish to ensure the immunity of churches in these matters and to provide against such great injuries. We therefore decree, with the approval of this sacred council, that ordinances of this kind and claims to fiefs or other goods of the church, made by way of a decree of the lay power, without the proper consent of ecclesiastical persons, are invalid since they can be said to be not laws but rather acts of destitution or destruction and usurpations of jurisdiction. Those who dare to do these things are to be restrained by ecclesiastical censure.¹

45. ¹ *patron who kills or mutilates a cleric of a church loses his right of patronage*

Patrons of churches, lords' deputies and advocates have displayed such arrogance in some provinces that they not only introduce difficulties and evil designs when vacant churches ought to be provided with suitable pastors, but they also presume to dispose of the possessions and other goods of the church as they like and, what is dreadful to relate, they are not afraid to set about killing prelates. What was devised for protection should not be twisted into a means of repression. We therefore expressly forbid patrons, advocates and lords' deputies henceforth to appropriate more in the aforesaid matters than is permitted in law. If they dare to do the contrary, let them be curbed with the most severe canonical penalties. We decree, moreover, with the approval of this sacred council, that if patrons or advocates or feudatories or lords' deputies or other persons with benefices venture with unspeakable daring to kill or to mutilate, personally or through others, the rector of any church or other cleric of that church, then the patron shall lose completely his right of patronage, the advocate his advocacy, the feudatory his fief, the lord's deputy his deputyship and the beneficed person his benefice. And lest the punishment be remembered for less time than the crime, nothing of the aforesaid shall descend to their heirs, and their posterity to the fourth generation shall in nowise be admitted into a college of clerics or to hold the honour of any prelacy in a religious house, except when out of mercy they are dispensed to do so.²

¹ ch. 12, *De aetals*, III 13 (Fr 2, 516).

² ch. 12, *De aetals*, V 37 (Fr 2, 883-884).

46. *De tallis a dtrisis neu exignslis*

Adversus consules ac rectores civitatum et alios, qui ecclesias et viros ecclesiasticos tallis seu collectis et exactionibus aliis aggravare nituntur, volens immunitati ecclesiasticae Lateranense concilium¹ providere, praesumptionem* huiusmodi sub anathematis districtione prohibuit, transgressores et fautores eorum excommunicationi praecipiens subiacere, donec satisfactionem impendant competentem. Verum si quando forsan episcopus simul cum clericis tantam necessitatem vel utilitatem prospexerint¹, ut absque ulla coactione ad relevandas utilitates vel necessitates communes, ubi laicorum non suppetunt facultates, subsidia 10 per ecclesias duxerint conferenda, praedicti laici humiliter et devote recipiant cum actionibus gratiarum. Propter imprudentiam tamen quorundam, Romanum prius consulant pontificem, cuius interest communibus utilitatibus providere. Quoniam vero nec sic quorundam malitia 15 contra Dei ecclesiam conquievit, adicimus ut constitutiones et sententiae quae ab excommunicatis huiusmodi vel de ipsorum mandato fuerint promulgatae, inanes et irritae habentur, nullo unquam tempore valiturae. Caeterum quia fraus et dolus alicui patrocinari non debent, nullus vano decipiatur errore, ut infra tempus regiminis sustineat anathema, quasi post illud non sit ad satisfactionem debitam compellendus; nam et ipsum qui satisfacere recusaverit et successorem ipsius, si non satisfecerit infra mensem, manere decernimus ecclesiastica censura conclusum, donec satisfecerit competenter, cum succedat in onere qui substituitur in honore.²

47. *De forma excommunicandi*

Sacro approbante concilio prohibemus, ne quis in aliquem excommunicationis sententiam, nisi competenti commonitione praemissa et praesentibus idoneis personis, per quas si necesse fuerit possit probari monitio, promulgare praesumat. Quod sic contra praesumpserit, etiamsi iusta fuerit excommunicationis sententia, ingressum ecclesiae per mensem unum sibi noverit interdictum, alia nihilominus poena mulctandus, si visum 30 fuerit expedire. Caveat etiam diligenter, ne ad excommunicationem cuiusquam absque manifesta et rationabili causa procedat; ad quam si forte taliter processerit et, requisitus humiliter, processum huiusmodi non curaverit absque gravamine revocare, gravatus apud superiorem deponat de iniusta excommunicatione querelam. Quodd si absque periculo morae¹ potest, ad excommunicatorem illum cum suo mandato remittat, infra competentem terminum absolvendum, alioquin ipse per se vel per alium, prout viderit expedire, sufficienti cautione recepta, munus eius absolutionis impendat. Cumque adversus excommunicatorem de iniusta excommuni-

¹ praesumptores *Cr* b inspexerint *Cr* c quis *add. LC*
qui *con. Rm M* c monere vel mittere *M* t eius *Cr*

40

¹ Cf. conc. Lat. III» c. 19 (v. supra p. 221).

² c. 7 AC III 49 (Fr 2,656); cf. etiam A. Gottlob, *Die päpstlichen Kreuzgenosse der 13. Jahrhunderte* — Heiligenstadt 1892, 41; Tillmann 79.

46. *On not exacting taxes from clerics*

The Lateran council, wishing to provide for the immunity of the church against officials and governors of cities and other persons who seek to oppress churches and churchmen with tallages and taxes and other exactions, forbade such presumption under pain of anathema. It ordered transgressors and their supporters to be excommunicated until they made adequate satisfaction. If at some time, however, a bishop together with his clergy foresee so great a need or advantage that they consider, without any compulsion, that subsidies should be given by the churches, for the common good or the common need, when the resources of the laity are not sufficient, then the above-mentioned laymen may receive them humbly and devoutly and with thanks. On account of the imprudence of some, however, the Roman pontiff, whose business it is to provide for the common good, should be consulted beforehand. We add, moreover, since the malice of some against God's church has not abated, that the ordinances and sentences promulgated by such excommunicated persons, or on their orders, are to be deemed null and void and shall never be valid. Since fraud and deceit should not protect anyone, let nobody be deceived by false error to endure an anathema during his term of government as though he is not obliged to make satisfaction afterwards. For we decree that both he who has refused to make satisfaction and his successor, if he does not make satisfaction within a month, is to remain bound by ecclesiastical censure until he makes suitable satisfaction, since he who succeeds to a post also succeeds to its responsibilities.²

47. *On the form of an excommunication*

With the approval of this sacred council, we forbid anyone to promulgate a sentence of excommunication on anyone, unless an adequate warning has been given beforehand in the presence of suitable persons, who can if necessary testify to the warning. If anyone dares to do the contrary, even if the sentence of excommunication is just, let him know that he is forbidden to enter a church for one month and he is to be punished with another penalty if this seems expedient. Let him carefully avoid proceeding to excommunicate anyone without manifest and reasonable cause. If he does so proceed and, on being humbly requested, does not take care to revoke the process without imposing punishment, then the injured person may lodge a complaint of unjust excommunication with a superior judge. The latter shall then send the person back to the judge who excommunicated him, if this can be done without the danger of a delay, with orders that he is to be absolved within a suitable period of time. If the danger of delay cannot be avoided, the task of absolving him shall be carried out by the superior

¹ See Lateran council III, canon 19 (see above p. 221).

² ch. 7, *Decretals*, III 49 (Fr 2, 656); see also A. Gottlob, *Diepdpstlichen Kreuzzugssteuem des 13. Jahrhunderts* ..., Heiligenstadt 1892, 41; Tillmann 79 (trans. Sax 94).

catione constiterit, excommunicator condemnetur excommunicato ad interesse; alias nihilominus, si culpa^ae qualitas postulaverit, superioris arbitrio puniendus, cum non levis sit culpa, tantam infligere poenam insonti, nisi fors^oan erraverit ex causa probabili, maxime si laudabilis opinionis existât. Verum si contra excommunicationis sententiam nihil rationabile fuerit a conquerente probatum, et idem super iniusta conquestionis molestia per poenam ad interesse vel alias* secundum superioris arbitrium condemnetur, nisi fors^oan et ipsum probabilis error excuset et super eo, pro quo iusta fuerit excommunicatione ligatus, per cautionem receptam i^o satisfacere compellatur vel in pristinam reducatur sententiam, usque ad satisfactionem condignam inviolabiliter observandam. Si vero iudex, suum recognoscens errorem, paratus sit talem revocare sententiam, et is pro quo lata fuerit, ne absque satisfactione revocet illam, appellet, appellationi non deferat in hac parte, nisi talis sit error, de quo merito » possit^b dubitari; et tunc sufficienti cautione recepta, quod coram eo, ad quem exstitit appellatum vel delegato ab ipso, iuri parebis, excommunicatum absolvat, sicque poenae praescriptae*^l minime subiacebit, cavens omnino, ne voluntate perversa in alterius praeiudicium mentiatur errorem, si districtioⁿis canonicae vult effugere ultionem'.^l

48. *De modo recusandi indicem*

Cum special^a sit prohibitione provisum, ne quis in aliquem excommunicationis sententiam, nisi competenti commonitione praemissa, promulgare praesumat, volentes etiam providere, ne forte commonitus, frustratoriae* recusationis vel appellationis obtentu^h, monentis declinare » possit examen, statuimus quod si allegaverit se iudicem habere suspectum, coram eodem causam iustae suspicionis assignet; et ipse cum adversario vel, si forte adversarium non habeat, cum iudice arbitros communiter eligat aut, si forte communiter convenire non possunt, eligant absque malitia ipse unum et ille alium, qui de suspicionis causa cognoscant; et si ne-
30 quiverint in unam concordare sententiam, advocent tertium, ut quod duo ex ipsis decreverintⁱ, robur obtineatk firmitatis. Sciant quoque se ad id fideliter exequendum ex iniuncto, a nobis in virtute obedientiae sub attestatione divini iudicii districto, praecepto teneri. Causa vero suspicionis legitima coram ipsis infra competentem terminum non probata, sua iuris-
35 dictione iudex utatur; at ipsa probata legitime, de recusatoris assensu personae idoneae committat negotium recusatus vel ad superiorem transmittat, ut in eo ipse procedat, secundum quod fuerit procedendum. Porro commonito ad appellationem^l convolante, si eius excessus evidentia rei vel ipsius confessione aut alio modo legitimeTM fuerit manifestatus, cum
40 appellationis remedium non sit ad defensionem iniquitatis sed in praesi-

^a ad aliam *A* ^o debeat r. /l. *Cr* ^c parebit 9. /l. *Cr Rm* pareat *Cr*

^d unius mensis *add. At* ^c ultionem f. /l. *Cr Rm* disciplinam *Cr M*

^f spirituali *M* ^g frustratione *M* ^h obiectu *Cr M* ⁱ decreverunt *Rm*

^k habeat *Cr*

^m legitimo *A*

^l c. 48 *X. V* 39 (Fr 2, 909-910); de c. 47-49 cf. Fliche 209.

judge, either in person or through someone else, as seems expedient, after he has obtained adequate guarantees. Whenever it is established that the judge pronounced an unjust excommunication, he shall be condemned to make compensation for damages to the one excommunicated, and be nonetheless punished in another way at the discretion of the superior judge if the nature of the fault calls for it, since it is not a trivial fault to inflict so great a punishment on an innocent person — unless by chance he erred for reasons that are credible — especially if the person is of praiseworthy repute. But if nothing reasonable is proved against the sentence of excommunication by the one making the complaint, then the complainant shall be condemned in punishment, for the unreasonable trouble caused by his complaint, to make compensation or in some other way according to the discretion of the superior judge, unless by chance his error was based on something that is credible and so excuses him; and he shall moreover be compelled upon a pledge to make satisfaction in the matter for which he was justly excommunicated, or else he shall be subject again to the former sentence which is to be inviolably observed until full satisfaction has been made. If the judge, however, recognizes his error and is prepared to revoke the sentence, but the person on whom it was passed appeals, for fear that the judge might revoke it without making satisfaction, then the appeal shall not be admitted unless the error is such that it may deserve to be questioned. Then the judge, after he has given sufficient security that he will appear in court before the person to whom the appeal had been made or one delegated by him, shall absolve the excommunicated person and thus shall not be subject to the prescribed punishment. Let the judge altogether beware, if he wishes to avoid strict canonical punishment, lest out of a perverse intention to harm someone he pretends to have made an error.¹

48. *On how to challenge a judge*

Since a special prohibition has been made against anyone presuming to promulgate a sentence of excommunication against someone without adequate warning being given beforehand, we therefore wish to provide against the person warned being able, by means of a fraudulent objection or appeal, to escape examination by the one issuing the warning. We therefore decree that if the person alleges he holds the judge suspect, let him bring before the same judge an action of just suspicion; and he himself in agreement with his adversary (or with the judge, if he happens not to have an adversary) shall together choose arbiters or, if by chance they are unable to reach agreement together, he shall choose one arbiter and the other another, to take cognisance of the action of suspicion. If these cannot agree on a judgment they shall call in a third person so that what two of them decide upon shall have binding force. Let them know that they are bound to carry this out faithfully, in accordance with the command strictly enjoined by us in virtue of obedience and under the attestation of the divine judgment. If the action of suspicion is not proved in law before them within a suitable time, the judge shall exercise his jurisdiction; if the action is proved, then with the consent of the objector the challenged judge shall commit the matter to a suitable person or shall refer it to a superior judge so that he may conduct the matter as it should be conducted. As for the person who has been warned but then hastens to make an appeal, if his offence is made manifest in law

¹ ch. 48, *Decretals*, V 39 (Fr 2, 909-910); on constitutions 47-49, see Fliche 209.

dium innocentiae institutum, non est provocationi huiusmodi deferendum; excessu quoque dubio exsistente, ne frivola appellatio diffugio appellans iudicis processum impediat, coram eodem probabilem causam appellatio exponat, talem videlicet quae si foret probata deberet legitima reputari. Et tunc si habuerit adversarium infra terminum, secundum locorum distantiam et temporis qualitatem et naturam negotii ab eodem iudice moderandum, appellatio³ causam¹ prosequatur; quam si prosequi non curaverit, extunc ipse iudex non obstante appellatione procedat. Nullo autem adversario comparente, cum ex suo iudex procedat officio, appellatio causa coram superiore probata, superior suae iurisdictionis officium exequatur. Sed si appellans in eius probatione defecerit, ad eum a quo ipsum malitiose appellasse constiterit, remittatur. Caeterum has duas constitutiones³ praemissas nolumus ad regulares extendi, qui suas habent observantias speciales⁴

49. *De poena excommunicantur in iure*

is

Sub interminatione divini iudicii penitus interdicimus, ut causa cupiditatis nullus audeat excommunicationis vinculo aliquem innodare vel absolvere innodatum, in illis maxime regionibus in quibus ex consuetudine, cum excommunicatus absolvitur, pecuniaria poena mulctatur; statuentes ut cum excommunicationis sententiam iniustam fuisse constiterit, excommunicator ad restituendam pecuniam sic extortam per censuram ecclesiasticam compellatur et, nisi probabili fuerit errore deceptus, tantumdem iniuriam passo persolvat et, si forte solvendo non fuerit, animadversione alia castigetur.

50. *De restricta prohibitione matrimonii*

25

Non debet reprehensibile iudicari, si secundum varietatem temporum statuta quandoque varientur humana, praesertim cum urgens necessitas vel evidens utilitas id exposcit, quoniam ipse Deus ex his quae in veteri testamento statuerat, nonnulla mutavit in novo. Cum igitur prohibitiones de coniugio in secundo et tertio affinitatis genere minime contrahendo, et de sobole suscepta ex secundis nuptiis cognationi viri non copulanda prioris, et difficultatem frequenter inducant et aliquando periculum pariant animarum, ut cessante prohibitione cesset effectus, constitutiones super hoc editas² sacri approbatione concilii revocantes, praesenti constitutione decernimus, ut sic contrahentes de caetero libere copulentur. Prohibitio quoque copulae conjugalis quartum consanguinitatis et affinitatis gradum de caetero non excedat, quoniam in ulterioribus gradibus iam non potest absque gravi dispendio huiusmodi prohibitio generaliter observari. Quaternarius enim numerus bene congruit prohibitioni coniugii corporalis, de quo dicit Apostolus, quod *vir non habet potestatem* w

a appellationem interpositam *Cr MA* b institutiones *Cr*

c qui... spéciales] contra suas observantias spirituales (speciales *A*) *MA*

¹ c. 61 *X*. II 28 (Fr 2,437-438): cf. Tillmann 159,160.

² Cf. conc. Lat. I, c. 9 et conc. Lan II, c. 17 (v. supra pp. 191, 201).

by the evidence of the case or by his own confession or in some other way, then provocation of this kind is not to be tolerated, since the remedy of an appeal was not established to defend wickedness but to protect innocence, if there is some doubt about his offence, then the appellant shall, lest he impedes the judge's action by the subterfuge of a frivolous appeal, set before the same judge the credible reason for his appeal, such namely that if it was proved it would be considered legitimate. Then if he has an adversary, let him proceed with his appeal within the time laid down by the same judge according to the distances, times and nature of the business involved. If he does not prosecute his appeal, the judge himself shall proceed notwithstanding the appeal. If the adversary does not appear when the judge is proceeding in virtue of his office, then once the reason for the appeal has been verified before the superior judge the latter shall exercise his jurisdiction. If the appellant fails to get the reason for his appeal verified, he shall be sent back to the judge from whom it has been established that he appealed maliciously. We do not wish the above two constitutions to be extended to regulars, who have their own special observances.¹

49. *On the punishment for excommunicating someone unjustly*

We absolutely forbid, under threat of the divine judgment, anyone to dare to bind anyone with the bond of excommunication, or to absolve anyone so bound, out of avarice. We forbid this especially in those regions where by custom an excommunicated person is punished by a money penalty when he is absolved. We decree that when it has been established that a sentence of excommunication was unjust, the excommunicator shall be compelled by ecclesiastical censure to restore the money thus extorted, and shall pay as much again to his victim for the injury unless he was deceived by an understandable error. If perchance he is unable to pay, he shall be punished in some other way.

50. *On the restriction of prohibitions to matrimony*

It should not be judged reprehensible if human decrees are sometimes changed according to changing circumstances, especially when urgent necessity or evident advantage demands it, since God himself changed in the new Testament some of the things which he had commanded in the old Testament. Since the prohibitions against contracting marriage in the second and third degree of affinity, and against uniting the offspring of a second marriage with the kindred of the first husband, often lead to difficulty and sometimes endanger souls, we therefore, in order that when the prohibition ceases the effect may also cease, revoke with the approval of this sacred council the constitutions published on this subject² and we decree, by this present constitution, that henceforth contracting parties connected in these ways may freely be joined together. Moreover the prohibition against marriage shall not in future go beyond the fourth degree of consanguinity and of affinity, since the prohibition cannot now generally be observed to further degrees without grave harm. The number four agrees well with the prohibition concerning bodily union about which the Apostle says, that *the husband does not ride over his body, but the wife does; and*

¹ ch. 61, *Decretals*, II 28 (Fr 2, 437-438); see Tillmann 159, 160 (trans. Sax 194, 195).

² See Lateran council I, canon 9 and Lateran council II, canon 17 (see above pp. 191, 201).

*sut corporis, sed mulier; neque mulier habet potestatem sui corporis, sed vir*¹; quia quatuor sunt humores in corpore, quod constat ex quatuor elementis. Cum ergo iam* usque ad quartum gradum prohibitio coniugalis copulae sit restricta, eam ita esse volumus perpetuam, non obstantibus constitutionibus super hoc dudum editis, vel ab aliis vel a nobis, ut si qui contra prohibitionem huiusmodi praesumpserint copulari, nulla longinquitate defendantur annorum, cum diuturnitas temporum non minuat peccatum sed augeat, tantoque graviora sint crimina, quanto diutius infelicem detinent animam alligatam.²

10

51. *De poena contrahentium clandestina matrimonia*

Cum inhibitio copulae coniugalis sit in tribus ultimis gradibus revocata, eam in aliis volumus districte observari. Unde praedecessorum nostrorum inhaerendo vestigiis, clandestina coniugia penitus inhibemus, prohibentes etiam ne quis sacerdos talibus intéressé praesumat. Quare
 15 specialem quorundam locorum consuetudinem ad alia generaliter prorogando, statuimus ut cum matrimonia fuerint contrahenda, in ecclesiis per presbyteros publice proponantur, competenti termino praefinito, ut infra illum qui voluerit et valuerit legitimum impedimentum opponat. Et ipsi presbyteri nihilominus investigent, utrum aliquod impedimentum obstat. Cum autem probabilis apparuerit coniectura contra copulam contrahendam, contractus interdicatur expresse, donec quid fieri debeat super eo manifestis constiterit documentis. Si qui vero huiusmodi clandestina vel interdicta coniugia inire praesumpserint in gradu prohibito etiam ignoranter, soboles de tali coniunctione suscepta prorsus illegitima censeatur, de parentum ignorantia nullum habitura subsidium, cum illi taliter contrahendo, non expertes scientiae vel saltem affectatores ignorantiae videantur. Pari modo illegitima proles censeatur, si ambo parentes, impedimentum scientes legitimum, praeter omne interdictum in conspectu ecclesiae contrahere praesumpserint. Sanec parochialis sacerdos, quid tales
 30 conjunctiones prohibere contempserit aut quilibet etiam regularis qui eis praesumpserit interesse, per triennium ab officio suspendatur, gravius puniendus, sis culpa qualitas postulaverit. Sed et iis qui taliter copulari praesumpserint, etiam in gradu concesso*¹, condigna poenitentia iniungatur. Si quis autem ad impediendum legitimam copulam malitiose³ impedimentum obiecerit, ecclesiasticam non effugiet ultionem.³

l om. Cr *b commune edictum Cr* *c si add. Rm*
d om. Rm *e alius Cr* *5 graviter Cr* *g sicut Cr*
b pristino excepto M *» malitiosum Cr* *effugiat Cr*

¹ 1 Cor 7, 4.

² c. 8 X. IV 4 (Fr 2,703-704); cf. etiam K. G. Hugelmann, *Der Sachsenspiegel und das vierle Lateranische Kort^il*, Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Kan. Abt. 13 (1924) 427-487; cf. Tillmann 36, 155, 159; de c. 50-52 cf. Fliche 207.

³ c. 3 X. IV 3 (Fr 2,679-680); cf. Tillmann 156.

*the wife does not rule over her body, but the husband does*¹; for there are four humours in the body, which is composed of the four elements. Although the prohibition of marriage is now restricted to the fourth degree, we wish the prohibition to be perpetual, notwithstanding earlier decrees on this subject issued either by others or by us. If any persons dare to marry contrary to this prohibition, they shall not be protected by length of years, since the passage of time does not diminish sin but increases it, and the longer that faults hold the unfortunate soul in bondage the graver they are.²³

51. On the punishment of those who contract clandestine marriages

Since the prohibition against marriage in the three remotest degrees has been revoked, we wish it to be strictly observed in the other degrees. Following in the footsteps of our predecessors, we altogether forbid clandestine marriages and we forbid any priest to presume to be present at such a marriage. Extending the special custom of certain regions to other regions generally, we decree that when marriages are to be contracted they shall be publicly announced in the churches by priests, with a suitable time being fixed beforehand within which whoever wishes and is able to may adduce a lawful impediment. The priests themselves shall also investigate whether there is any impediment. When there appears a credible reason why the marriage should not be contracted, the contract shall be expressly forbidden until there has been established from clear documents what ought to be done in the matter. If any persons presume to enter into clandestine marriages of this kind, or forbidden marriages within a prohibited degree, even if done in ignorance, the offspring of the union shall be deemed illegitimate and shall have no help from their parents' ignorance, since the parents in contracting the marriage could be considered as not devoid of knowledge, or even as affecters of ignorance. Likewise the offspring shall be deemed illegitimate if both parents know of a legitimate impediment and yet dare to contract a marriage in the presence of the church, contrary to every prohibition. Moreover the parish priest who refuses to forbid such unions, or even any member of the regular clergy who dares to attend them, shall be suspended from office for three years and shall be punished even more severely if the nature of the fault requires it. Those who presume to be united in this way, even if it is within a permitted degree, are to be given a suitable penance. Anybody who maliciously proposes an impediment, to prevent a legitimate marriage, will not escape the church's vengeance.'

¹ 1 Cor 7, 4.

² ch. 8, *Decretals*, IV 4 (Fr 2, 703-704); see also K. G. Hugelmann, *Der Sachsenspiegel und das vierte Lateranische Konzil*, Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Kan. Abt. 13 (1924) 427-487; see Tillmann 36, 155, 159 (trans. Sax 37-38, 191, 195); on constitutions 50-52, see Fliche 207.

³ ch. 3, *Decretals*, IV 3 (Fr 2, 679-680); see Tillmann 156 (trans. Sax 191).

52. *De testimonio Je auditu reprobando in sansa matrimonii*

Licet ex quadam necessitate praeter communem formam alias' fuerit institutum, ut in consanguinitatis et affinitatis gradibus computandis valeret testimonium de auditu, cum propter brevem hominum vitam testes de visu deponere non valerent usque ad gradum septimum computando, quia tamen pluribus exemplis et certis experimentis didicimus, ex hoc multa pericula contra legitima coniugia provenisse, statuimus ne super hoc recipiantur testes de caetero de auditu, cum iam quartum gradum prohibitio non excedat, nisi personae graves exstiterint, quibus fides merito sit adhibenda et ante motam litem testificata didicerint ab antiquioribus quidem suis, non utique uno, cum non sufficeret ille si viveret, sed duobus ad minus, nec ab infamibus et suspectis sed a fide dignis et omni exceptione maioribus; cum satis videretur absurdum illos admitti, quorum repellerentur adonesb. Nec tamen si unus a pluribus vel infames0 ab hominibus bonae famae acceperint quod testentur, tamquam plures et idonei testes debent admitti, cum etiam secundum solitum ordinem iudiciorum non sufficiat unius testis assertio, etiamsi praesidali dignitate praefulgeat, et actus legitimi sint infamibus interdicti. Testes autem huiusmodi proprio iuramento firmantes, quod ad ferendum in causa ipsa testimonium odio vel timore vel amore vel commodo non procedant, w personas expressis nominibus, vel demonstratione sive circumlocutione sufficienti designent3 et ab utroque latere clara computatione gradus singulos distinguant et in suo nihilominus iuramento concludant, se accepisse a suis maioribus quod deponunt et credere ita esse. Sed nec tales sufficiant, nisi iurati' deponant, se vidisse personas saltem in uno praedictorum graduum constitutas, pro consanguineis se habere. Tolerabilius est enim aliquos contra statuta hominum copulatos dimittere, quam coniunctosf legitime contra statuta Domini separare.1

53. *De bis qui praedia sua infraudem decimarum dant aliis excolenda*

In aliquibus regionibus quaedam permixtae sunt gentes, quae secundum w suos ritus decimas de more non solvunt, quamvis censeantur nomine christiano. His nonnulli domini praediorum ea tribuunt excolenda, ut decimis defraudantes ecclesias, maiores inde redditus assequantur. Volentes igitur super his ecclesiarum indemnitatibus providere, statuimus ut ipsi domini talibus personis et taliter sua praedia excolenda committant, 35 quod absque contradictione decimas ecclesiis cum integritate persolvant, et ad id, si necesse fuerit, per censuram ecclesiasticam compellantur. Illae quippe decimae necessario sunt solvendae, quae debentur ex lege divina vel loci consuetudine approbata.3

' olim *Cr* b actiones *M* auctoritates *A* auctores *Cr Rm* c infamis *Rm* 40
3 sufficientibus designent verbis *Cr* e pariter parati *M* f conjugates *Cr*

1 c. 47 *X* II 20 (Fr 2,337); c£ Tillmann 27,156.

1 c. 32 *X* III 30 (Fr 2, 568); cf. etiam H. F. Schmid, *Die rechtlichen Crundlagen der Pfarrorganisation au/ westslauiscbtm Boden und ibrt Entuicklung vâbrend des Mittelalters*, Zeitschrift

52, *On rejecting evidence from hearsay in a matrimonial suit*

It was at one time decided out of a certain necessity, but contrary to the normal practice, that hearsay evidence should be valid in reckoning the degrees of consanguinity and affinity, because on account of the shortness of human life witnesses would not be able to testify from first-hand knowledge in a reckoning as far as the seventh degree. However, because we have learned from many examples and definite proofs that many dangers to lawful marriages have arisen from this, we have decided that in future witnesses from hearsay shall not be accepted in this matter, since the prohibition does not now exceed the fourth degree, unless there are persons of weight who are trustworthy and who learnt from their elders, before the case was begun, the things that they testify: not indeed from one such person since one would not suffice even if he or she were alive, but from two at least, and not from persons who are of bad repute and suspect but from those who are trustworthy and above every objection, since it would appear rather absurd to admit in evidence those whose actions would be rejected. Nor should there be admitted in evidence one person who has learnt what he testifies from several, or persons of bad repute who have learnt what they testify from persons of good repute, as though they were more than one and suitable witnesses, since even according to the normal practice of courts the assertion of one witness does not suffice, even if he is a person resplendent with authority, and since legal actions are forbidden to persons of bad repute. The witnesses shall affirm on oath that in bearing witness in the case they are not acting from hatred or fear or love or for advantage; they shall designate the persons by their exact names or by pointing out or by sufficient description, and shall distinguish by a clear reckoning every degree of relationship on either side; and they shall include in their oath the statement that it was from their ancestors that they received what they are testifying and that they believe it to be true. They shall still not suffice unless they declare on oath that they have known that the persons who stand in at least one of the aforesaid degrees of relationship, regard each other as blood-relations. For it is preferable to leave alone some people who have been united contrary to human decrees than to separate, contrary to the Lord's decrees, persons who have been joined together legitimately.¹

53. *On those who give their fields to others to be cultivated so as to avoid paying tithes*

In some regions there are intermingled certain peoples who by custom, in accordance with their own rites, do not pay tithes, even though they are counted as Christians. Some landlords assign their lands to them so that these lords may obtain greater revenues, by cheating the churches of the tithes. Wishing therefore to provide for the security of churches in these matters, we decree that when lords make over their lands to such persons in this way for cultivation, the lords must pay the tithes to the churches in full and without objection, and if necessary they shall be compelled to do so by ecclesiastical censure. Such tithes are indeed to be paid of necessity, inasmuch as they are owed in virtue of divine law or of approved local custom.²

¹ ch. 47, *Decretals*, II 20 (Fr 2, 337); see Tillmann 27, 156 (trans. Sax 30, 191).

² ch. 32, *Decretals*, III 30 (Fr 2, 568); see also H. F. Schmid, *Die rechtlichen Grundlagen der Pfarrorganisation auf westslavischem Boden und ihre Entwicklung während des Mittelalters*, Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Kan. Abt. 18 (1919) 445-446; see Tillmann 155 (trans. Sax 191); on constitutions 53-56, see Fliche 210.

53. *Ut decimae ante tributa tclrantur*

Cum non sit in homine quod semen serenti respondeat, quoniam iuxta verbum Apostoli: *Neque qui plantat est aliquid, neque qui rigat, sed qui incrementum dat, Deus*¹, ipso quidem de mortificato semine plurimum fructum afferente, nimis avare in decimis quidam defraudare nituntur, census et tributa, quae interdum indecimata praetereuntur, de frugibus et primitiis educantes. Cum autem in signum universalis dominii, quasi quodam titulo speciali, sibi Dominus decimas reservaverit, nos et* ecclesiarum dispendiis et animarum periculis obviare volentes, statuimus ut in praerogativa dominii generalis exactionem tributorum et censuum praecedat solutio decimarum, vel saltem hi ad quos census et tributa indecimata pervint, quoniam res cum onere suo transit, ea per censuram ecclesiasticam decimare cogantur ecclesiis, quibus iure debentur.²

55. *Ut de terris acquirendis, non obstantibus privilegiis, decimae dentur*

Nuper abbates Cisterciensis ordinis in generali capitulo congregati ad commonitionem nostram provide statuerunt, ne de caetero fratres ipsius ordinis emant possessiones, de quibus decimae debentur⁴ ecclesiis, nisi forte pro monasteriis noviter fundandis. Et sic tales possessiones eis fuerint pia fidelium devotione collatae aut emptae pro monasteriis de novo fundandis, committant excolendas aliis* a quibus ecclesiis decimae persolvantur, ne occasione privilegiorum suorum ecclesiae ulterius praegraventur. Decernimus ergo, ut de alienis terris et amodo acquirendis, etiam* si eas propriis manibus aut sumptibus deinceps excoluerint, decimas persolvant ecclesiis, quibus ratione praediorum antea solvebantur, nisi cum ipsis ecclesiis aliter duxerint componendum. Nos ergo statutum huiusmodi gratum et ratum habentes, hoc ipsum ad alios regulares, qui gaudent similibus privilegiis, extendi volumus, et mandamus ut ecclesiarum praelati praeiores et efficaciores existant, ad exhibendum eis de suis malefactoribus iustitiae complementum, eorumque privilegia diligentius et perfectius studeant observare.⁸

56. *Nt propter pactum aliquomm amittat decima: presbyter parochialis*

Plerique, sicut accepimus, regulares et clerici seculares interdum, cum vel domos locant vel feuda concedunt, in praeiudicium parochialium ecclesiarum pactum adiciunt, ut conductores et feudatarii decimas eis

S5 * *om. Cr* b ut *Cr* c non *add. Cr*

d dabantur *A* c monasterio de novo fundando. Si *Cr*

der Savigny-Sdftung fiir Rechtsgeschichte, Kan. Abt. 18 (1919) 445-446; cf. Tillmann 155; de c. 53-56 cf. Fliche 210.

1 1 Cor 3,7. « c. 33 *X. III* 30 (Fr 2, 568); cf. Tillmann 155.

* c. 34 *X. III* 30 (Fr 2, 568-569); cf. inter alios P. Viard, *Histoire de la dime icclisiactique dans le royaume de France aux XII^e et XIII^e siècles (1150-1313)*, Paris 1912, 45-47; J.-B. Mahn, *L'ordre cistercien et son gouvernement des origines au milieu du XIII^e siècle*, Paris 1945, 107, 112-115; de c. 55-58 cf. Tillmann 159.

54. *That tithes ihould be paid before taxe*i**

It is not within human power that the seed should answer to the sower since, according to the saying of the Apostle, *Neither he who plants nor he who waters is anything, but rather he who gives the growth, namely God'*, who himself brings forth much fruit from the dead seed. Now, some people from excess of greed strive to cheat over tithes, deducting from crops and first-fruits the rents and dues, which meanwhile escape the payment of tithes. Since the Lord has reserved tithes unto himself as a sign of his universal lordship, by a certain special title as it were, we decree, wishing to prevent injury to churches and danger to souls, that in virtue of this general lordship the payment of tithes shall precede the exaction of dues and rents; or at least those who receive untithed rents and dues shall be forced by ecclesiastical censure, seeing that a thing carries with it its burden, to tithe them for the churches to which by right they are due.¹

55. *That tithes are to be paid on lands that are acquired, notwithstanding privileges*

Recently abbots of the Cistercian order, assembled in a general chapter, wisely decreed at our instance that the brethren of the order shall not in future buy possessions from which tithes are due to churches, unless by chance it is for founding new monasteries; and that if such possessions were given to them by the pious devotion of the faithful, or were bought for founding new monasteries, they would assign them for cultivation to other people, who would pay the tithes to the churches, lest the churches be further burdened on account of the Cistercians' privileges. We therefore decree that on lands assigned to others and on future acquisitions, even if they cultivate them with their own hands or at their own expense, they shall pay tithes to the churches which previously received the tithes from the lands, unless they decide to compound in another way with the churches. Since we consider this decree to be acceptable and right, we wish it to be extended to other regulars who enjoy similar privileges; and we order prelates of churches to be readier and more effectual in affording them full justice with regard to those who wrong them and to take pains to maintain their privileges more carefully and completely.³

56. *That a parish priest shall not lose tithes on account of some people making a pact*

Many regulars, as we have learnt, and sometimes secular clerics, when letting houses or granting fiefs, add a pact, to the prejudice of the parish churches, to the effect that the tenants and vassals shall pay tithes to them and shall choose to be

¹ 1 Cor 3, 7.

² ch. 33, *Decretals*, III 30 (Fr 2, 568); see Tillmann 155 (trans. Sax 191).

³ ch. 34, *Decretals*, III 30 (Fr 2, 568-569); see among others, P. Viard, *Histoire de la dime ecclésiastique dans le royaume de France aux XII^e et XIII^e siècles (1150-1313)*, Paris 1912, 45-47; J.-B. Mahn, *L'ordre cistercien et son gouvernement des origines au milieu du XIII^e siècle*, Paris 1945, 107, 112-115; on constitutions 55-58, see Tillmann 159 (trans. Sax 194-195).

solvant et apud eosdem eligant sepulturam. Cum autem id de avaritiae radice procedat, pactum huiusmodi penitus reprobamus, statuentes ut quicquid fuerit occasione huiusmodi pacti perceptum, ecclesiae parochiali reddatur.¹

57. *Dt inlcprttisudi}priciltgiarufn verbis*

s

Ut privilegia, quae quibusdam religiosis personis Romana concessit ecclesia, permaneant inconvulsa, quaedam in eis declaranda duximus* ne minus sane intellecta pertrahant ad abusum, propter quem merito possint revocari, quia privilegium¹¹ meretur amittere, qui permissa sibi abutitur potestate. Sane quibusdam regularibus sedes apostolica induisit, jo ut iis qui eorum fraternitatem assumpserint, si forsanc ecclesiae ad quas pertinent a divinis fuerint officiis interdictae, ipsosque mori contingat, sepultura ecclesiastica non negetur, nisi excommunicari vel nominatim fuerint interdicti, suosque contrares, quos ecclesiarum praelati apud ecclesias suas non permiserint sepeliri, nisi excommunicat! vel interdicti is fuerint nominatim, ipsi ad ecclesias suas deferant tumultandos. Hoc autem de illis confratribus intelligimus, qui vel adhuc manentes in saeculo eorum ordini sunt oblati, mutato habitu saeculari, vel qui eis inter vivos sua bona dederunt, retento sibi quandiu in saeculo vixerint usufructu, qui tantumd sepeliantur apud ipsorum regularium vel aliorum non interdictas eccle- 20 sias, in quibus elegerint sepulturam, ne si de quibuslibet ipsorum fraternitatem assumentibus fuerit intellectum, pro duobus aut tribus denariis annuatim sibi collatis, dissolvatur pariter et vilescat ecclesiastica disciplina; certam tamen et ipsi remissionem obtineant ab apostolica sibi sede concessam. Illud etiam pro huiusmodi regularibus est indultum, ut si qui fratrum 25 suorum, qui ab eis missi fuerint ad recipiendas fraternitates sive collectas, in quamlibet civitatem, castellum vel vicum advenerint, si forte locus ille a divinis sit officiis interdictus, in eorum iucundo adventu semel in anno aperiuntur ecclesiae, ut exclusis excommunicatis, divina ibi officia celebrentur; sic intelligi volumus, quod in eadem civitate aut castro vel villa, 30 una tantum ecclesia eiusdem ordinis fratribus, ut dictum est, semel aperiatur in anno. Quia licet pluraliter dictum sit, quod in eorum iucundo adventu aperiuntur ecclesiae, non tamen ad ecclesias eiusdem loci divisim sed praedictorum locorum coniunctim, sano referendum est intellectu, ne si hoc modo singulas eiusdem loci ecclesias visitarent, nimium vili- 35 pendii contingeret sententiam interdicti. Qui vero contra declarationes praescriptas quicquam sibi praesumpserint usurpare, gravi subiaceant ultioni'?

* duximus declaranda *Cr* b privilegia *LC* c forsitan *Cr*
d tantum *M* tamen *nil.* e ultioni *r. I. Cr Su* disciplinae *Cr*

¹ c. 7 *X*. I 35 (Fr 2,205).

* c. 24 *X*, V 33 (Fr 2, 866-867); cf. etiam conc. Lat. HI, c. 9 (v. supra pp. 215-217).

buried in their ground. We utterly reject pacts of this kind, since they are rooted in avarice, and we declare that whatever is received through them shall be returned to the parish churches.¹

57. *On interpreting the words of privileges*

In order that privileges which the Roman church has granted to certain religious may remain unimpaired, we have decided that certain things in them must be clarified lest through their not being well understood they lead to abuse, on account of which they could deservedly be revoked. For, a person deserves to lose a privilege if he abuses the power entrusted to him. The apostolic see has rightly granted an induit to certain regulars to the effect that ecclesiastical burial should not be refused to deceased members of their fraternity if the churches to which they belong happen to be under an interdict as regards divine sendees, unless the persons were excommunicated or interdicted by name, and that they may carry off for burial to their own churches their confraters whom prelates of churches will not allow to be buried in their own churches, unless the confraters have been excommunicated or interdicted by name. However, we understand this to refer to confraters who have changed their secular dress and have been consecrated to the order while still alive, or who in their lifetime have given their property' to them while retaining for themselves as long as they live the usufruct of it. Only such persons may be buried at the non-interdicted churches of these regulars and of others in which they have chosen to be buried. For if it were understood of any persons joining their fraternity for the annual payment of two or three pennies, ecclesiastical discipline would be loosened and brought into contempt. Even the latter may, however, obtain a certain remission granted to them by the apostolic see. It has also been granted to such regulars that if any of their brethren, whom they have sent to establish fraternities or to receive taxes, comes to a city or a castle or a village which is under an interdict as regards divine services, then churches may be opened once in the year at their “joyous entry” so that the divine services may be celebrated there, after excommunicated persons have been excluded. We wish this to be understood as meaning that in a given city, castle or town one church only shall be opened for the brethren of a particular order, as mentioned above, once in the year. For although it was said in the plural that churches may be opened at their “joyous entry”, this on a true understanding refers not to each individual church of a given place but rather to the churches of the aforesaid places taken together. Otherwise if they visited all the churches of a given place in this way, the sentence of interdict would be brought into too much contempt. Those who dare to usurp anything for themselves contrary to the above declarations shall be subjected to severe punishment.²

¹ ch. 7, *Decretals*, I 35 (Fr 2, 205).

² ch. 24, *Decretals*, V 33 (Fr 2, 866-867); see also Lateran council 111, canon 9 (see above pp. 215–217).

58. *De eodem inforarem episcoporum*

Quod nonnullis est religiosis indultum, in favorem pontificalis officii ad episcopos extendentes, concedimus ut cum commune terrae fuerit interdictum, excommunicatis et interdictis exclusis possint* quandoque ianuis clausis¹ suppressa voce, non pulsatis campanis, celebrare⁰ officia* divina, nisi hoc ipsum eis expresse fuerit interdictum. Verum hoc illis concedimus, qui causam aliquam non praestiterint interdicto, ne quicquam doli vel fraudis ingesserint, tale compendium ad iniquum dispendium pertrahentes^{0.1}

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59. *Quod nudus religiosus fideiubeat sine licentia abbatis et contentus*

Quod quibusdam religiosis a sede apostolica est prohibitum, volumus et mandamus ad universos extendi, ne quis videlicet religiosus* absque abbatis et maioris partis sui capituli licentia pro aliquo fideiubeat vel ab alio pecuniam mutuo accipiat, ultra summam communi providentia is constitutam. Alioquin non teneatur conventus pro his aliquatenus respondere, nisi forte in utilitatem domus ipsius* manifeste constiterit redundasse⁰, et qui contra statutum istud venire praesumpserit, graviore disciplinae subdatur.²

60. *Ut abbates non extendant se ad officium episcopale*

20 Accidentibus¹ ad nos de diversis mundi partibus episcoporum querelis, intelleximus graves et grandes quorundam abbatum excessus, qui suis finibus non contenti, manus ad ea quae sunt episcopalis dignitatis extendunt, de causis matrimonialibus cognoscendo, iniungendo publicas poenitentias, concedendo etiam* indulgentiarum literas et similia praesumendo, unde contingit interdum quod vilescat episcopalis* auctoritas 25 apud multos. Volentes igitur in iis et episcoporum dignitati et abbatum providere saluti, praesenti decreto firmiter prohibemus, ne quis abbatum ad talia se praesumat extendere, si proprium voluerit periculum evitare, nisi forte quisquam eorum speciali concessione vel alia legitima causa m super* huiusmodi valeat se tueri.³

61. *Ne religiosi accipiant decimas de manu laicali*

In Lateranensi concilio* noscitur fuisse prohibitum, ne quilibet regulares ecclesias seu decimas sine consensu episcoporum de manu praesumant recipere laicali nec excommunicatos vel nominatim interdictos admittant aliquatenus ad divina. Nos autem id fortius inhibentes, transgressores condigna curabimus animadversione puniri[®] statuentes nihilominus quatenus in ecclesiis, quae ad ipsos pleno iure non pertinent,

» *om. Cr* b *et add. Cr* c *celebrent Cr* d *pertrahentes t. L Cr Su* *distrahentes Cr*
e *expendisse Cr* f *ascendentibus Cr* g *punire Cr*

¹ c. 25 AT. V 33 (Fr 2, 86η. * c. 4 X. III 22 (Fr 2, 531).

¹ c. 12 X. V 31 (Fr 2, 840-841); cf. Tillmann 159; Maccarrone 294.

⁴ Cf. conc. Lat. III, c. 10 (¶ . supra p. 217).

58. *On the Mme in favour of bishops*

We wish to extend to bishops, in favour of the episcopal office, the induit which has already been given to certain religious. We therefore grant that when a country is under a general interdict, the bishops may sometimes celebrate the divine services, behind closed doors and in a lowered voice, without the ringing of bells, after excommunicated and interdicted persons have been excluded, unless this has been expressly forbidden to them. We grant this, however, to those bishops who have not given any cause for the interdict, lest they use guile or fraud of any sort and so turn a good thing into a damaging loss.²

59. *Flo religions may give surety without the permission of his abbot and convent*

We wish and order to be extended to all religious what has already been forbidden by the apostolic see to some of them: namely that no religious, without the permission of his abbot and the majority of his chapter, may stand surety for someone or accept a loan from another beyond a sum fixed by the common opinion. Otherwise the convent shall not be held responsible in any way for his actions, unless perchance the matter has clearly redounded to the benefit of his house. Anyone who presumes to act contrary to this statute shall be severely disciplined."

60. *That abbots should not encroach on the episcopal office*

From the complaints which have reached us from bishops in various parts of the world, we have come to know of serious and great excesses of certain abbots who, not content with the boundaries of their own authority, stretch out their hands to things belonging to the episcopal dignity: hearing matrimonial cases, enjoining public penances, even granting letters of indulgences and like preump-tions. It sometimes happens from this that episcopal authority is cheapened in the eyes of many. Wishing therefore to provide for both the dignity of bishops and the well-being of abbots in these matters, we strictly forbid by this present decree any abbot to reach out for such things, if he wishes to avoid danger for himself, unless by chance any of them can defend himself by a special concession or some other legitimate reason in respect of such things.³

61. *That religious may not receive tithes from lay hands*

It was forbidden at the Lateran council⁴, as is known, for any regulars to dare to receive churches or tithes from lay hands without the bishop's consent, or in any way to admit to the divine services those under excommunication or those interdicted by name. We now forbid it even more strongly and will take care to see that offenders are punished with condign penalties. We decree, nevertheless, that in churches which do not belong to them by full right the regulars shall, in

¹ ch. 25, *Decretals*, V 33 (Fr 2, 867).

² ch. 4, *Decretals*, III 22 (Fr 2, 531).

³ ch. 12, *Deaetals*, V 31 (Fr 2, 840-841); see Tillmann 159 (trans. Sax 194); Maccarrone 294.

⁴ Sec Lateran council III, canon 10 (see above p. 217).

iuxta eiusdem statuta concilii episcopis instituendos presbyteros repraesentent, ut illis de plebis cura respondeant; ipsis vero pro rebus temporalibus rationem exhibeant competentem. Institutos vero remove non audeant episcopis inconsultis; sane adicimus, ut illos repraesentare procurent, quos vel conversatio reddit notos vel commendat probabile testimonium praelatorum.¹

62. *Ne reliquiae sanctorum ostendantur extra capsam, ne novae habeantur in veneratione sine Romana ecclesia*

Cum ex eo quod quidam sanctorum reliquias exponunt venales et eas passim ostendunt², Christianae religioni sit detractum saepius, nec detrahatur³ in posterum, praesenti decreto statuimus, ut antiquae reliquiae amodo extra capsam non ostendantur nec exponantur venales. Inventas autem de novo nemo publice venerari praesumat, nisi prius auctoritate Romani pontificis fuerint approbatae. Praelati vero de caetero non permittant illos, qui ad eorum ecclesias causa venerationis accedunt, vanis figmentis aut falsis decipi documentis, sicut et in plerisque locis occasione quaestus fieri consuevit.² Eleemosynarum quoque quaestores, quorum quidam se alios mentiendo abusiones nonnullas in sua praedicatione proponunt, admitti, nisi apostolicas³ vel dioecesani episcopi literas veras exhibeant, prohibemus. Et tunc praeter id quod in ipsis continebitur literis, nihil populo proponere permittantur; formam vero, quam communiter talibus apostolica sedes indulget, duximus exprimendam, ut secundum eam dioecesani episcopi suas literas moderentur. Ea siquidem talis est: „Quoniam, ut ait Apostolus, *omnes stabimus ante tribunal Christi*³, recepturi prout in corpore gessimus, sive bonum, sive malum* fuerit, oportet nos diem missionis extremae misericordiae operibus praevenire ac aeternorum intuitu seminare in terris, quod reddente Domino cum multiplicato fructu colligere debeamus in coelis, firmam spem fiduciamque tenentes, quoniam *quipatee seminat, parce et metet, et qui seminat in benedictionibus, de benedictionibus et metet*³ in vitam aeternam. Cum igitur ad sustentationem fratrum et egenorum ad tale confluentium hospitale, propriae non suppetant facultates, universitatem vestram monemus et exhortamur in Domino atque in remissionem vobis iniungimus peccatorum, quatenus de bonis a Deo vobis collatis, pias eleemosynas et grata eis caritatis subsidia erogetis, ut per subventionem vestram ipsorum inopiae consulatur, et vos per haec et per alia bona, quae Domino inspirante feceritis, ad aeterna possitis gaudia pervenire." Qui autem ad quaerendas eleemosynas destinantur, modesti sint et discreti, nec in tabernis aut locis aliis incongruis hospitentur nec inutiles faciant aut sumptuosas expensas, caventes omnino ne falsae⁸ religionis habitum gestent. Ad haec quia per indiscretas et superfluas indulgentias, quas quidam ecclesiarum praelati

² ut *Cr* ^b ostendant *Cr* ^c am* *Cr* ^d apostolici *Cr*
^e et *add. Rm* ^f felicitatis *add. Cr* ^g falsum *Cr*

¹ c. 31 *X. m* 5*(Fr 2,479); cf. Fliche 208-209. ['] c. 2 *X. III* 45 (Fr 2, 650).

['] *Rm* 14,10. * 2 *Cor* 5,10. » 2 *Cor* 9, 6.

accordance with the statutes of that council, present to the bishop the priests who are to be instituted, for examination by him about the care of the people; but as for the priests' ability in temporal matters, the regulars shall furnish the proof unto themselves. Let them not dare to remove those who have been instituted without consulting the bishop. We add, indeed, that they should take care to present those who are either noted for their way of life or recommended by prelates on probable grounds.¹³

62. *That saints' relics may not be exhibited outside reliquaries, nor may newly discovered relics be venerated without authorization from the Roman church*

The Christian religion is frequently disparaged because certain people put saints' relics up for sale and display them indiscriminately. In order that it may not be disparaged in the future, we ordain by this present decree that henceforth ancient relics shall not be displayed outside a reliquary¹ or be put up for sale. As for newly discovered relics, let no one presume to venerate them publicly unless they have previously been approved by the authority of the Roman pontiff. Prelates, moreover, should not in future allow those who come to their churches, in order to venerate, to be deceived by lying stories or false documents, as has commonly happened in many places on account of the desire for profit. We also forbid the recognition of alms-collectors, some of whom deceive other people by proposing various errors in their preaching, unless they show authentic letters from the apostolic see or from the diocesan bishop. Even then they shall not be permitted to put before the people anything beyond what is contained in the letters.

We have thought it good to show the form of letter which the apostolic see generally grants to alms-collectors, in order that diocesan bishops may follow it in their own letters. It is this: "Since, as the Apostle says, *we shall all stand before the judgment seat of Christ*² to receive *according to what we have done* in the body, *whether it be good or bad*³ it behoves us to prepare for the day of the final harvest with works of mercy and to sow on earth, with a view to eternity, that which, with God returning it with multiplied fruit, we ought to collect in heaven; keeping a firm hope and confidence, since *he who sows sparingly reaps sparingly, and he who sows bountifully shall reap bountifully*⁵ unto eternal life. Since the resources of a hospital may not suffice for the support of the brethren and the needy who flock to it, we admonish and exhort all of you in the Lord, and enjoin upon you for the remission of your sins, to give pious alms and grateful charitable assistance to them, from the goods that God has bestowed upon you; so that their need may be cared for through your help, and you may reach eternal happiness through these and other good things which you may have done under God's inspiration."

Let those who are sent to seek alms be modest and discreet, and let them not stay in taverns or other unsuitable places or incur useless or excessive expenses,

¹ ch. 31, *Decretals*, HI (Fr 2, 479); see Fliche 208-209.

² ch. 2, *Decretals*, III 45 (Fr 2, 650).

³ Rm 14, 10. ⁴ 2 Cor 5, 10. ⁵ 2 Cor 9, 6.

facere non verentur, et claves ecclesiae contemnuntur et poenitentialis* satisfactio enervatur, decernimus ut cum dedicatur basilica, non extendatur indulgentia ultra annum, sive ab uno solo sive a pluribus episcopis deducatur, ac deinde in anniversario dedicationis tempore quadraginta
 5 dies de iniunctis poenitentiis indulta remissio non excedat;8 hunc quoque dierum numerum, indulgentiarum literas praecipimus moderari, quae pro quibuslibet causis aliquoties conceduntur, cum Romanus pontifex, qui plenitudinem obtinet potestatis, hoc in talibus moderamen consueverit observare.1*

10

65. *De simonia*

Sicut pro certo didicimus, in plerisque locis et a plurimis personis quasi columbas in templo vendentibus', fiunt exactiones et0 extorsiones0 turpes et pravae, pro consecrationibus episcoporum, benedictionibus abbatum et ordinibus clericorum, estque taxatum, quantum sit isti vel
 is illi quantumve alteri vel alii persolvendum, et ad cumulum damnationis maioris quidam turpitudinem et pravitatem huiusmodi nituntur defendere, per consuetudinem longo tempore observatam. Tantum igitur abolere volentes abusum, consuetudinem huiusmodi, quae magis dicenda est corruptela, penitus reprobamus, firmiter statuentes, ut pro iis sive
 m conferendis sive collatis, nemo aliquid quocumque praetextu exigere ac extorquere praesumat; alioquin et qui receperit et qui dederit huiusmodi pretium omnino damnatum, cum Giezi' et Simonel condemnetur.5

64. *De eadem circa monacho: et rancituaoniaüf*

Quoniam simoniaca labes adeo plerasque moniales infecit, ut vix aliquas sine pretio recipiant in sorores, paupertatis praetextu volentes huiusmodi vitium palliare, ne id de caetero fiat, penitus prohibemus, statuentes ut quaecumque de caetero talem pravitatem commiserit, tam recipiens quam recepta, sive sit subdita sive praelata, sine spe restitutionis de suo monasterio expellatur, in locum arctioris regulae, ad agendum perpetuam poenitentiam, retrudenda. De his autem quae ante hoc synodale statutum taliter sunt receptae, ita duximus providendum ut remotae de monasteriis, quae perperam sunt ingressae, in aliis locis eiusdem ordinis collocentur. Quod si propter nimiam multitudinem alibi forte nequiverint collocari, ne forte damnabiliter in saeculo evagentur, recipiantur in eodem monasterio dispensative de novo mutatis prioribus locis et inferioribus assignatis. Hoc etiam circa monachos et alios

1 poenitentialis *Cr* h et infra *add. Cr* c om. *Rm*
 d perpetuo *Cr* c om. *Cr*

1 c. 14 *X. V* 38 (Fr 2, 888-889); cf. inter alios H. G. Lea, *A History of Auricular Confession* — III Philadelphia 1896, 14, 163-165, 286, 552; A. Gottlob, *Kreuzab/afund Almostn-ablafi. Eine Studie über die Frühzeit des Ablafes* Stuttgart 1906, 250-252; Tillmann 150; Maccarrone 296.

1 Cf. Mt 21,12; Mr 11,15; Io 2,14. « Cf. 4 Rg 5,20-27. < Cf. Ac 8, 9-24.

1 c. 39 *X. V* 3 (Fr 2,765); de c. 63-66 cf. Fliche 205.

being cartful above all not to wear the garb of false religion. Moreover, because the keys of the church are brought into contempt and satisfaction through penance loses its force through indiscriminate and excessive indulgences, which certain prelates of churches do not fear to grant, we therefore decree that when a basilica is dedicated, the indulgence shall not be for more than one year, whether it is dedicated by one bishop or by more than one, and for the anniversary of the dedication the remission of penances imposed is not to exceed forty days. We order that the letters of indulgence, which are granted for various reasons at different times, are to fix this number of days, since the Roman pontiff himself, who possesses the plenitude of power, is accustomed to observe this moderation in such things.¹

63. *On simony*

As we have certainly learnt, shameful and wicked exactions and extortions are levied in many places and by many persons, who are like the sellers of doves in the temple², for the consecration of bishops, the blessing of abbots and the ordination of clerics. There is fixed how much is to be paid for this or that and for yet another thing. Some even strive to defend this disgrace and wickedness on the grounds of long-established custom, thereby heaping up for themselves still further damnation. Wishing therefore to abolish so great an abuse, we altogether reject such a custom which should rather be termed a corruption. We firmly decree that nobody shall dare to demand or extort anything under any pretext for the conferring of such things or for their having been conferred. Otherwise both he who receives and he who gives such an absolutely condemned payment shall be condemned with Gehazi³ and Simon⁴⁵

64. *On the same with regard to monks and nuns*

The disease of simony has infected many nuns to such an extent that they admit scarcely any as sisters without a payment, wishing to cover this vice with the pretext of poverty. We utterly forbid this to happen in the future. We decree that whoever commits such wickedness in the future, both the one admitting and the one admitted, whether she be a subject or in authority, shall be expelled from her convent without hope of reinstatement, and be cast into a house of stricter observance to do perpetual penance. As regards those who were admitted in this way before this synodal statute, we have decided to provide that they be moved from the convents which they wrongly entered, and be placed in other houses of the same order. If perchance they are too numerous to be conveniently placed

¹ ch. 14, *Decretals*, V 38 (Fr 2, 888-889); see among others, H. C. Lea, *A History of Auricular Confession ...*, III Philadelphia 1896, 14, 163-165, 286, 552; A. Gottlob, *Kreuzablaß und Almosenablaß. Eine Studie Über die Frühzeit des Ablasswesens*, Stuttgart 1906, 250-252; Tillmann, 150 (trans. Sax 152); Maccarrone 296.

² See Mt 21, 12; Mk 11, 15; Jn 2, 14.

³ See 4 Kg 5, 20.

⁴ See Ac 8, 9-24.

⁵ ch. 39, *Decretals*, V 3 (Fr 2, 765); on constitutions 63-66, see Fliche 205.

regulares decernimus observandum. Verum ne per simplicitatem vel ignorantiam se valeant excusare, praecipimus ut dioecesani episcopi singulis annis hoc faciant per suas dioeceses publicari.¹

65. *De eadem cirra illicitam pecuniae extorsionem*

Audivimus de quibusdam episcopis, quod decedentibus ecclesiarum s rectoribus, ipsas interdicto subiciunt nec patiuntur aliquos in eisdem institui, donec ipsis certa summa a pecuniae persolvatur; praeterea cum miles aut clericus domum religionis ingreditur vel apud religiosos eligit sepulturam, etiam si nihil loco religioso reliquerit, difficultates ingerunt et malitias, donec aliquid muneris manus contingat eorum. Cum 10 igitur non solum a malo, sed etiam ab omni specie mali sit, secundum Apostolum², abstinendum, exactiones huiusmodi penitus inhibemus; quod si quis transgressor extiterit, exacta duplicata restituat, in utilitates locorum in quorum fuerint soluta dispendium, fideliter convertenda.³

66. *De eadem circa cupiditatem clericorum*

15

Ad apostolicam audientiam frequenti relatione pervenit, quod quidam clerici pro exequiis mortuorum et benedictionibus* nubentium et similibus pecuniam exigunt et extorquent; et si forte cupiditati eorum non fuerit satisfactum, impedimenta fictitia fraudulenter opponunt. E contra vero quidam laici laudabilem consuetudinem erga sanctam eccle- 20 siam, pia devotione fidelium introductam, ex fermento haereticae pravitatis nituntur infringere, sub praetextu canonicae pietatis. Quapropter et pravas exactiones super his fieri prohibemus et pias consuetudines praecipimus observari, statuentes ut libere conferantur ecclesiastica sacramenta, sed per episcopum loci, veritate cognita, compescantur, qui 25 malitiose nituntur laudabilem consuetudinem immutare.⁴

67. *De iuris iudaecorum*

Quanto amplius Christiana religio ab exactione compescitur usurarum, tanto gravius super his iudaeorum perfidia inolescit ita, quod brevi tempore Christianorum exhauriunt facultates. Volentes igitur in hac parte 30 prospicere Christianis, ne a iudaeis immaniter aggraventur, synodali decreto statuimus ut si de caetero quocumque praetextu iudaei a Christianis graves et immoderatas usuras extorserint, Christianorum eis participium subtrahatur, donec de immoderato gravamine satisfecerint competenter. Christiani quoque, si opus fuerit, per censuram ecclesiasticam appellatione postposita compellantur ab eorum commerciis abstinere. Principibus autem iniungimus, ut propter hoc non sint christianis infesti, sed potius a tanto gravamine iudaeos studeant cohibere. Ac eadem poena iudaeos decernimus compellendos ad satisfaciendum ecclesiis pro deci-

» benedictione *Cr* b inolescit *Cr M*

«0

¹ c. 40 *X. V* 3 (Fr 2,765). » Cf. 1 Th 5,22.

* c. 41 *X. V* 3 (Fr 2,766). ‘ c. 42 *X. V* 3 (Fr 2,766).

elsewhere, they may be admitted afresh to the same convent, by dispensation, after the prioress and lesser officials have been changed, lest they roam around in the world to the danger of their souls. We order the same to be observed with regard to monks and other religious. Indeed, lest such persons be able to excuse themselves on the grounds of simplicity or ignorance, we order diocesan bishops to have this decree published throughout their dioceses every year.¹

65. *On the same with regard to the illegal extortion of money*

We have heard that certain bishops, on the death of rectors of churches, put these churches under an interdict and do not allow anyone to be instituted to them until they have been paid a certain sum of money. Moreover, when a knight or a cleric enters a religious house or chooses to be buried with religious, the bishops raise difficulties and obstacles until they receive something in the way of a present, even when the person has left nothing to the religious house. Since we should abstain not only from evil itself but also from every appearance of evil, as the Apostle says^{2,3} we altogether forbid exactions of this kind. Any offender shall restore double the amount exacted, and this is to be faithfully used for the benefit of the places harmed by the exactions?

66. *On the same with regard to the avarice of clerics*⁴ - *¹ - . «..

It has frequently been reported to the apostolic see that certain clerics demand and extort payments for funeral rites for the dead, the blessing of those marrying, and the like; and if it happens that their greed is not satisfied, they deceitfully set up false impediments. On the other hand some lay people, stirred by a ferment of heretical wickedness, strive to infringe a praiseworthy custom of holy church, introduced by the pious devotion of the faithful, under the pretext of canonical scruples. We therefore both forbid wicked exactions to be made in these matters and order pious customs to be observed, ordaining that the church's sacraments are to be given freely but also that those who maliciously try to change a praiseworthy custom are to be restrained, when the truth is known, by the bishop of the place?

67. *On the usury of Jews*

The more the Christian religion is restrained from usurious practices, so much the more does the perfidy of the Jews grow in these matters, so that within a short time they are exhausting the resources of Christians. Wishing therefore to see that Christians are not savagely oppressed by Jews in this matter, we ordain by this synodal decree that if Jews in future, on any pretext, extort oppressive and excessive interest from Christians, then they are to be removed from contact with Christians until they have made adequate satisfaction for the immoderate burden. Christians too, if need be, shall be compelled by ecclesiastical censure, without the possibility of an appeal, to abstain from commerce with them. We

¹ ch. 40, *De aetals*, V 3 (Fr 2, 765). ² See 1 Th 5, 22.

³ ch. 41, *Decretals*, V 3 (Fr 2, 766). ⁴ ch. 42, *Decretals*, V 3 (Fr 2, 766).

mis et oblationibus debitis, quas a Christianis de domibus et possessionibus aliis percipere consueverant, antequam ad Iudaeos quocumque titulo devenissent, ut sic ecclesiae conserventur indemnes.¹

68. *Ut Iudaei a Christianis in baritu*

s In nonnullis provinciis a Christianis Iudaeos seu Saracenos habitus
distinguit diversitas, sed in quibusdam sic quaedam inolevit confusio,
ut nulla differentia discernantur. Unde contingit interdum, quod per
errorem Christiani Iudaeorum seu Saracenorum et Iudaei seu Saraceni
Christianorum mulieribus commisceantur. Ne igitur tam damnatae com-
lo mixtionis excessus per velamentum erroris huiusmodi excusationis ulterius
possint habere diffugium, statuimus ut tales utriusque sexus in omni
Christianorum provincia et omni tempore, qualitate habitus publice ab
aliis populis distinguantur, cum etiam per Moysen hoc ipsum legatur eis
iniunctum². In diebus autem lamentationis³ et dominicae passionis, in
is publicum minime prodeant, eo quod nonnulli ex ipsis talibus diebus,
sicut accepimus, ornatius non erubescunt incedere ac Christianis, qui
sacratissimae passionis memoriam exhibentes lamentationis¹ signa prae-
tendunt, illudere non formidant. Illud autem districtissime inhibemus, ne
in contumeliam Redemptoris prosilire aliquatenus praesumant. Et quo-
ro niam illius dissimulare non debemus opprobrium, qui probra nostra
delevit, praecipimus praesumptores huiusmodi per principes saeculares
condignae animadversionis adiectione compesci, ne crucifixum pro nobis
praesumant aliquatenus blasphemare.³

69. *Ne Iudaei publicis officiis praeficiantur*

25 Cum sit nimis absurdum, ut Christi blasphemus in Christianos vim pote-
statis exerceat, quod super hoc Toletanum concilium⁴ provide statuit,
nos propter transgressorum audaciam in hoc capitulo⁸ innovamus, pro-
hibentes ne Iudaei officiis publicis praeferantur, quoniam sub tali prae-
textu Christianis plurimum sunt infesti. Si quis autem officium eis tale
30 commiserit, per provinciale concilium, quod singulis praecipimus annis
celebrari, monitione praemissa, districtione qua convenit compescatur.
Officiali vero huiusmodi tamdiu Christianorum communio in commerciis
et aliis denegetur, donec in usus pauperum Christianorum, secundum

« lamentationum *Cr* b generali condlio v. *I. Rm*

¹ c. 18 *X*. V 19 (Fr 2, 816); cf. inter alios de c. 67 atque etiam de c. 68-69, F. Schneider, *Das kirchliche Zinsverbot und die kaiserliche Praxis im 13. Jahrhundert*, Festgabe ... H. Finke, Münster i. W. 1904, 147; S. Grayzel, *The Church and the Jews in the XIIth Century*, Philadelphia 1933, 15, 28, 34, 36, 48, 61-63, 65 n. 112, 67 n. 116, 306-313 (cf. etiam 86-143); T. P. McLaughlin, *The Teaching of the Canonists on Usury (XII, XIII and XIV centuries)*, Mediaeval Studies 1 (1939) 110; S. W. Baron, *A Social and Religious History of the Jews*, IV New York 1957, 13, 154, 239, 313; cf. Tillmann 163; de c. 67-69 cf. Fliche 207.

* Cf. Lv 19, 19; Dt 22, 5; 22, 11.

¹ c. 15 *X*. V 6 (Fr 2, 776-777); cf. Tillmann 164.

* Cf. conc. Toletanum (589), c. 14 (Msi 9, 996).

enjoin upon princes not to be hostile to Christians on this account, but rather to be zealous in restraining Jews from so great oppression. We decree, under the same penalty, that Jews shall be compelled to make satisfaction to churches for tithes and offerings due to the churches, which the churches were accustomed to receive from Christians for houses and other possessions, before they passed by whatever title to the Jews, so that the churches may thus be preserved from loss.¹

68. *That Jews should be distinguished from Christians in their dress*

A difference of dress distinguishes Jews or Saracens from Christians in some provinces, but in others a certain confusion has developed so that they are indistinguishable. Whence it sometimes happens that by mistake Christians join with Jewish or Saracen women, and Jews or Saracens with Christian women. In order that the offence of such a damnable mixing may not spread further, under the excuse of a mistake of this kind, we decree that such persons of either sex, in every Christian province and at all times, are to be distinguished in public from other people by the character of their dress — seeing moreover that this was enjoined upon them by Moses himself, as we read² They shall not appear in public at all on the days of lamentation and on passion Sunday; because some of them on such days, as we have heard, do not blush to parade in very ornate dress and are not afraid to mock Christians who are presenting a memorial of the most sacred passion and are displaying signs of grief. What we most strictly forbid, however, is that they dare in any way to break out in derision of the Redeemer. We order secular princes to restrain with condign punishment those who do so presume, lest they dare to blaspheme in any way him who was crucified for us, since we ought not to ignore insults against him who blotted out our wrongdoings?

69. *That Jews are not to hold public offices*

It would be too absurd for a blasphemer of Christ to exercise power over Christians. We therefore renew in this canon, on account of the boldness of the offenders, what the council of Toledo⁴ providently decreed in this matter: we forbid Jews to be appointed to public offices, since under cover of them they are very hostile to Christians. If, however, anyone does commit such an office to them let him, after an admonition, be curbed by the provincial council, which we order to be held annually, by means of an appropriate sanction. Any official

¹ ch. 18, *Decretals*, N 19 (Fr 2, 816); see among others for constitutions 67 and also 68-69, F. Schneider, *Das Kirchliche Zinsverbot und die kuriale Praxis im 13. Jahrhundert*, Festgabe ... H. Finke, Münster in Westphalia 1904, 147; S. Grayzel, *The Church and the Jews in the XIIth Century*, Philadelphia 1933, 15, 28, 34, 36, 48, 61-63, 65 n. 112, 67 n. 116, 306-313 (see also 86-143); T. P. McLaughlin, *The Teaching of the Canonists on Usury (XII, XIII and XIV centuries)*, Mediaeval Studies 1 (1939) 110; S. W. Baron, *A Social and Religious History of the Jews*, IV New York 21957, 13, 154, 239, 313; see Tillmann 163 (trans. Sax 197); on constitutions 67-69, see Fliche 207 and HC 4 (1980) 172 and 607.

² See Lv 19, 19; Dt 22, 5; 22, 11.

³ ch. 15, *Decretals*, V 6 (Fr 2, 776-777); see Tillmann 164 (trans. Sax 197).

See council of Toledo (589), canon 14 (Msi 9, 996).

providentiam dioecesanī episcopi, convertatur quicquid fuerit adeptus a Christianis, occasione officii sic suscepti, et officium cum pudore dimittat, quod irreverenter assumpsit. Hoc idem extendimus ad paganos.¹

70. *Ne comvrsi ad fidem de Indatis veterem ritum ludaeorum retineant*

Quidam, sicut accepimus, quī ad sacri undam baptismatis voluntarii s accesserunt, veterem hominem omnino non exuunt, ut novum perfectius induant³, cum prioris ritus reliquias retinentes, Christianae religionis decorem tali commixtione confundant. Cum autem scriptum sit: maledictus homo qui terram duabus viis ingreditur³, et indui vestis non debeat lino lanaque contexta*, statuimus, ut tales per praelatos ecclesiarum ab 10 observantia veteris ritus omnimodo compescantur, ut quos christianae religioni liberae voluntatis arbitrium obtulit, salutiferae coactionis necessitas in eius observatione conservet; cum minus malum existât, viam Domini non agnoscere, quam post agnitam retroire^{5.6}

[71.] *Expeditio pro recuperanda Terra sancta*

15

Ad liberandam Terram sanctam de manibus impiorum, ardenti desiderio adspirantes, de prudentum virorum consilio, qui plene noverant circumstantias temporum et locorum, sacro approbante concilio diffinimus, ut ita crucesignati se praeparent, quod in calendas iunii sequentis post proximum omnes qui disposuerunt transire per mare convenient in 20 regnum Siciliae; alii sicut oportuerit et decuerit, apud Brundisium et alii apud Messanam et partes utrobique vicinas, ubi et nos personaliter Domino annuente disposuimus tunc adesse, quatenus nostro consilio et auxilio exercitus christianus salubriter ordinetur, cum benedictione divina et apostolica profecturus. Ad eundem quoque terminum se studeant praeparare, qui proposuerunt per terram proficisci. Significaturi hoc interim nobis, ut eis ad consilium et auxilium legatum idoneum de nostro latere concedamus. Sacerdotes autem et alii clerici, qui fuerint in exercitu Christiano, tam subditi quam praelati, orationi et exhortationi diligenter insistant, docentes eos verbo pariter et exemplo, ut timorem et amorem 30 semper habeant divinum ante oculos, ne quid dicant aut faciant, quod divinam maiestatem offendat. Et si aliquando lapsi fuerint in peccatum, per veram poenitentiam mox resurgant, gerentes humilitatem cordis et corporis, et tam in victu quam in vestitu mediocritatem servantes, dissensiones et aemulationes omnino vitando, rancore ac livore a se penitus relegatis, ut sic spiritualibus et materialibus armis muniti, adversus hostes fidei securius praelientur, non de sua praesumentes potentia, sed de divina virtute sperantes. Ipsīs autem clericis indulgemus, ut beneficia sua integre percipiant per triennium ac si essent in ecclesiis residentes, et si necesse fuerit, ea per idem tempus pignori valeant obligare. Ne igitur 40

a quod *M*

* c. 16 X. V 6 (Fr2,777). 1 Cf. Coi 3,9. » Cf. Edi 2,14; 3, 28.

4 Cf. Dt 22,11. * Cf. 2 Pt 2, 21. · c. 4 X. V 9 (Fr 2,791).

so appointed shall be denied commerce with Christians in business and in other matters until he has converted to the use of poor Christians, in accordance with the directions of the diocesan bishop, whatever he has obtained from Christians by reason of his office so acquired, and he shall surrender with shame the office which he irreverently assumed. We extend the same thing to pagans.'

70. *That converts to the faith among the Jews may not retain their old rite*

Certain people who have come voluntarily to the waters of sacred baptism, as we learnt, do not wholly cast off the old person in order to put on the new more perfectly. For, in keeping remnants of their former rite, they upset the decorum of the Christian religion by such a mixing. Since it is written, cursed is he who enters the land by two paths', and a garment that is woven from linen and wool together should not be put on⁴, we therefore decree that such people shall be wholly prevented by the prelates of churches from observing their old rite, so that those who freely offered themselves to the Christian religion may be kept to its observance by a salutary and necessary coercion. For it is a lesser evil not to know the Lord's way than to go back on it after having known it^{5,6}

[71.] *Expedition for the recovery of the holy Land*

It is our ardent desire to liberate the holy Land from infidel hands. We therefore declare, with the approval of this sacred council and on the advice of prudent men who are fully aware of the circumstances of time and place, that crusaders are to make themselves ready so that all who have arranged to go by sea shall assemble in the kingdom of Sicily on 1 June after next: some as necessary and fitting at Brindisi and others at Messina and places neighbouring it on either side, where we too have arranged to be in person at that time, God willing, so that with our advice and help the Christian army may be in good order to set out with divine and apostolic blessing. Those who have decided to go by land should also take care to be ready by the same date. They shall notify us meanwhile so that we may grant them a suitable legate *a latere* for advice and help. Priests and other clerics who will be in the Christian army, both those under authority and prelates, shall diligently devote themselves to prayer and exhortation, teaching the crusaders by word and example to have the fear and love of God always before their eyes, so that they say or do nothing that might offend the divine majesty. If they ever fall into sin, let them quickly rise up again through true penitence. Let them be humble in heart and in body, keeping to moderation both in food and in dress, avoiding altogether dissensions and rivalries, and putting aside entirely any bitterness or envy, so that thus armed with spiritual and material weapons they may the more fearlessly fight against the enemies of the faith, relying not on their own power but rather trusting in the strength of God. We grant to these clerics that they may receive the fruits of their benefices in full for three years, as if they were resident in the churches, and if necessary they may leave them in pledge for the same time.

¹ ch. 16, *Decretals*, V 6 (Fr 2, 777).

² See Col 3, 9.

³ See Eccli 2, 14; 3, 28.

⁴ See Dt 22, 11.

⁵ See 2 Pt 2, 21.

⁶ ch. 4, *Decretals*, V 9 (Fr 2, 791).

hoc sanctum propositum impediri vel retardari contingat, universis ecclesiarum praelatis districte praecipimus, ut singuli per loca sua illos, qui signum crucis deposuerunt resumere ac tam ipsos quam alios cruce-signatos et quos adhuc signari contigerit, ad reddendum vota sua Domino
5 diligenter moneant et inducant, et si necesse fuerit per excommunicationis in personas et interdicti sententias in terras eorum, omni tergiversatione cessante, compellant, illis dumtaxat exceptis, quibus tale impedimentum occurrerit, propter quod secundum sedis apostolicae providentiam votum eorum commutari debeat merito vel differri. Ad haec ne quid in negotio
10 Iesu Christi de contingentibus omittatur, volumus et mandamus, ut patriarchae, archiepiscopi, episcopi, abbates et alii, qui curam obtinent animarum, studiose proponant sibi commissis verbum crucis, obsecrantes per Patrem et Filium et Spiritum sanctum, unum solum verum aeternum Deum, reges, duces, principes, marchiones, comites et barones
15 aliosque magnates necnon communionem civitatum, villarum, oppidorum, ut qui personaliter non accesserint in subsidium Terrae sanctae, competentem conferant numerum bellatorum cum expensis ad triennium necessariis secundum proprias facultates, in remissionem peccatorum suorum, prout in generalibus literis est expressum et ad maiorem cautelam etiam
20 inferius exprimitur. Huius remissionis volumus esse participes non solum eos qui naves proprias exhibent*, sed etiam illos qui propter hoc opus naves studuerint fabricare. Renuentibus autem, si qui forte tam ingrati fuerint domino Deo nostro, ex parte apostolica firmiter protestemur, ut sciant se super hoc nobis in novissimo districti examinis die coram tremendo iudice responsuros, prius tamen considerantes, qua conscientia
25 quave securitate confiteri⁵ poterunt coram unigenito Dei Filio Iesu Christo, cui *omnia Pater dedit in manus*¹, si ei pro peccatoribus crucifixo servire renuerint in hoc negotio quasi proprie sibi proprio, cuius munere vivunt, cuius beneficio sustentantur, quin etiam cuius sanguine sunt
» redempti². Ne vero in humeros hominum onera gravia et importabilia imponere videamur, quae digito nostro movere nolimus, similes illis qui dicunt utique sed non faciunt³, ecce nos de his quae ultra necessaria⁴ et moderatas expensas potuimus reservare, triginta milia librarum in hoc opus concedimus et donamus, praeter navigium, quod cruce-signatis de
35 urbe atque vicinis partibus conferimus, assignaturi nihilominus ad hoc ipsum tria millia marcarum argenti, quae apud nos de quorundam fidelium eleemosynis remanserunt, aliis in necessitates et utilitates praedictae Terrae per manus felicitis memoriae abbatidis Hierosolymitani patriarchae* ac magistrorum Templi et Hospitalis fideliter distributis. Cupientes autem
40 alios ecclesiarum praelatos necnon clericos universos et in merito et in praemio habere participes et consortes, ex communi concilii approbatione

» exhibebunt *LC* b compatere *LC* c necessarias *Cr M* necessitates *A*

d Alberti v. / . Rrrt Alberici *LC* Alberti rti abbatis v. i. *LC*

¹ Io 13.3; cf. Io 3.35. ⁵ Cf. 1 Pt 1,18-19. » Cf. Mt 23,3-4.

⁴ Albertus de Castro (f 1213/1214).

To prevent this holy proposal being impeded or delayed, we strictly order all prelates of churches, each in his own locality, diligently to warn and induce those who have abandoned the cross to resume it, and them and others who have taken up the cross, and those who may still do so, to carry out their vows to the Lord. And if necessary they shall compel them to do this without any backsliding, by sentences of excommunication against their persons and of interdict on their lands, excepting only those persons who find themselves faced with an impediment of such a kind that their vow deservedly ought to be commuted or deferred in accordance with the directives of the apostolic see. In order that nothing connected with this business of Jesus Christ be omitted, we will and order patriarchs, archbishops, bishops, abbots and others who have the care of souls to preach the cross zealously to those entrusted to them. Let them beseech kings, dukes, princes, margraves, counts, barons and other magnates, as well as the communities of cities, vills and towns — in the name of the Father, Son and holy Spirit, the one, only, true and eternal God — that those who do not go in person to the aid of the holy Land should contribute, according to their means, an appropriate number of fighting men together with their necessary expenses for three years, for the remission of their sins in accordance with what has already been explained in general letters and will be explained below for still greater assurance. We wish to share in this remission not only those who contribute ships of their own but also those who are zealous enough to build them for this purpose. To those who refuse, if there happen to be any who are so ungrateful to our lord God, we firmly declare in the name of the apostle that they should know that they will have to answer to us for this on the last day of final judgment before the fearful judge. Let them consider beforehand, however, with what conscience and with what security it was that they w're able to confess before the only-begotten Son of God, Jesus Christ, to whom *the Father gave all things into his hands*¹, if in this business, which is as it were peculiarly his, they refuse to serve him who was crucified for sinners, by whose beneficence they are sustained and indeed by whose blood they have been redeemed².

Lest we appear to be laying on men's shoulders heavy and unbearable burdens which we are not willing to lighten, like those who say yes but do nothing³, behold we, from what we have been able to save over and above necessities and moderate expenses, grant and give thirty thousand pounds to this work, besides the shipping which we are giving to the crusaders of Rome and neighbouring districts. We will assign for this purpose, moreover, three thousand marks of silver, which we have left over from the alms of certain of the faithful, the rest having been faithfully distributed for the needs and benefit of the aforesaid Land by the hands of the abbot patriarch of Jerusalem⁴, of happy memory, and of the masters of the Temple and of the Hospital. We wish, however, that other

¹ Jn 13, 3; see Jn 3, 35.

² See 1 Pt 1, 18-19.

³ Sec Mt 23, 3-4.

⁴ Albert de Castro (died 1213/1214).

statuimus, ut omnes omnino clerici tam subditi quam praelati vigesimam partem ecclesiasticorum proventuum usque ad triennium conferant in subsidium Terrae sanctae, per manus eorum qui ad hoc apostolica fuerint providentia ordinati; quibusdam dumtaxat religiosis exceptis, ab hac praetaxatione merito eximendis, illis similiter, qui assumpto vel assum- e mendo crucis signaculo, sunt personaliter profecturi. Nos autem et fratres nostri sanctae Romanae ecclesiae cardinales plenarie decimam persolvemus, sciantque se omnes ad hoc fideliter observandum per excommunicationis sententiam obligatos, ita quod illi qui super hoc fraudem 10 scienter commiserint, sententiam excommunicationis incurrant. Sane quia iusto iudicio coelestis imperatoris obsequiis inhaerentes, speciali decet praerogativa gaudere, cum tempus proficiscendi annum excedat in modico, crucesignati vel a collectis vel talliis aliisque gravaminibus sint immunes, quorum personas et bona post crucem assumptam sub beati Petri et nostra protectione suscipimus; statuentesb ut sub archiepiscoporum, episcoporum ac omnium praelatorum ecclesiae defensione consistant, propriis nihilominus protectoribus ad hoc specialiter deputandis, ita ut donec de ipsorum obitu vel reditu certissime cognoscatur, integra maneant et quieta; et si quisquam contra praesumpserit, per censuram ecclesiasticam compescatur. Si qui vero proficiscentium, illuc ad prae- 20 standas usuras iuramento tenentur adstricti, creditores eorum, ut remittant eis praestitum iuramentum et ab usurarum exactione desistant, eadem praecipimus distractione compelli. Quod si quisquam creditorum eos ad solutionem coegerit usurarum, eum ad restitutionem earum simili cogi animadversione mandamus. Iudaeos vero ad remittendas usuras per 25 saecularem compelli praecipimus potestatem et, donec illas remiserint, ab universis Christi fidelibus per excommunicationis sententiam eis omnino communio denegetur. His autem, qui iudaeis debita solvere nequeunt in praesenti, sic principes saeculares utili dilatione provideant, quod post iter arreptum, usquequo de ipsorum obitu vel reditu certissime cognos- 30 scatur, usurarum incommoda non incurrant, compulsis iudaeis proventus pignorum, quos interim ipsi perceperint, in sortem expensis deductis necessariis, computare; cum huiusmodi beneficium non multum videatur habere dispendii, quod solutionem sic prorogat, quod debitum non absorbet. Porro ecclesiarum praelati, qui in exhibenda iustitia crucesignatis 35 et eorum familiis negligentes exstiterint, sciant se graviter puniendos. Caeterum, quia cursarii et piratae nimium impediunt subsidium Terrae sanctae, capiendo et expoliando transeuntes ad illam et redeuntes ab ipsa, nos spéciales0 adiutores et fautores eorum excommunicationis vinculo innodamus, sub interminatione anathematis inhibentes, ne quis cum eis 40 scienter communicet aliquo venditionis vel emptionis contractu, et iniungentes net·iribus civitatum et locorum suorum, ut eos ab hac iniquitate revocent et compescant; alioquin quia nolle perturbare perversos, nihil aliud est quam fovere, nec caret scrupulo societatis occultae, qui manifesto facinori desinit obviare, in personas et terras eorum per 45

» crucesignati a collectis vel a *LC* *b am. Cr* *c* principales *MA*

prelates of churches and all clerics may participate and share both in the merit and in the reward. We therefore decree, with the general approval of the council, that all clerics, both those under authority and prelates, shall give a twentieth of their ecclesiastical revenues for three years to the aid of the holy Land, by means of the persons appointed by the apostolic see for this purpose; the only exceptions being certain religious who are rightly to be exempted from this taxation and likewise those persons who have taken or will take the cross and so will go in person. We and our brothers, cardinals of the holy Roman church, shall pay a full tenth. Let all know, moreover, that they are obliged to observe this faithfully under pain of excommunication, so that those who knowingly deceive in this matter shall incur the sentence of excommunication. Because it is right that those who persevere in the service of the heavenly ruler should in all justice enjoy special privilege, and because the day of departure is somewhat more than a year ahead, crusaders shall therefore be exempt from taxes or levies and other burdens. We take their persons and goods under the protection of St Peter and ourself once they have taken up the cross. We ordain that they are to be protected by archbishops, bishops and all prelates of the church, and that protectors of their own are to be specially appointed for this purpose, so that their goods are to remain intact and undisturbed until they are known for certain to be dead or to have returned. If anyone dares to act contrary to this, let him be curbed by ecclesiastical censure.

If any of those setting out are bound by oath to pay interest, we ordain that their creditors shall be compelled by the same punishment to release them from their oath and to desist from exacting the interest; if any of the creditors does force them to pay the interest, we command that he be forced by similar punishment to restore it. We order that Jews be compelled by the secular power to remit interest, and that until they do so all intercourse shall be denied them by all Christ's faithful under pain of excommunication. Secular princes shall provide a suitable deferral for those who cannot now pay their debts to Jews, so that after they have undertaken the journey, and until there is certain knowledge of their death or of their return, they shall not incur the inconvenience of paying interest. The Jews shall be compelled to add to the capital, after they have deducted their necessary expenses, the revenues which they are meanwhile receiving from property held by them on security. For, such a benefit seems to entail not much loss, inasmuch as it postpones the repayment but does not cancel the debt. Prelates of churches who are negligent in showing justice to crusaders and their families should know that they will be severely punished.

Furthermore, since corsairs and pirates greatly impede help for the holy Land, by capturing and plundering those who are travelling to and from it, we bind with the bond of excommunication everyone who helps or supports them. We forbid anyone, under threat of anathema, knowingly to communicate with them by contracting to buy or to sell; and we order rulers of cities and their territories to restrain and curb such persons from this iniquity. Otherwise, since to be unwilling to disquiet evildoers is none other than to encourage them, and since he who fails to oppose a manifest crime is not without a touch of secret

ecclesiarum praelatos severitatem ecclesiasticam volumus et praecipimus exerceri. Excommunicamus praeterea et anathematizamus illos falsos et impios Christianos, qui contra ipsum Christum et populum christianum Saracenis arma, ferrum et lignamina* deferunt galearum; eos etiam qui
 5 galeas eis vendunt vel naves, quique in piraticis Saracenorum navibus curam gubernationis exercent vel in machinis aut quibuslibet aliis aliquod eis impendunt consilium vel auxilium in dispendium Terrae sanctae, ipsarum rerum suarum privatione mulctari, et capientium servos fore censemus. Praecipientes ut per omnes urbes maritimas diebus dominicis
 10 et festivis huiusmodi sententia innovetur, et talibus gremium non aperiatur ecclesiae, nisi totum quod ex substantia tam damnata perceperint et tantundem de sua in subsidium praedictae Terrae transmiserint, ut aequo iudicio in quo deliquerint, puniantur¹. Quod si forte solvendo non fuerint, alias sic reatus talium castigetur, quod in poena ipsorum aliis interdicatorum
 15 audacia similia praesumendi². Prohibemus insuper omnibus christianis et sub anathemate interdiciamus, ne in terras Saracenorum, qui partes orientales inhabitant, usque ad quadriennium transmittant aut transvehant naves suas, ut per hoc volentibus transfretare in subsidium Terrae sanctae maior navigii copia praeparetur et Saracenis praedictis subtrahatur auxilium,
 20 quod eis consuevit ex hoc non modicum provenire. Licet autem tornea-
 25 menta sint in diversis conciliis³ sub certa poena generaliter interdicta, quia tamen hoc tempore crucis negotium per ea plurimum impeditur, nos illa sub poena excommunicationis firmiter prohibemus usque ad triennium exerceri. Quia vero ad hoc negotium exequendum, est permaxime
 30 necessarium ut principes⁴ populi christiani adinvicem pacem observent, sancta universali synodo suadente statuimus, ut saltem per quadriennium in toto orbe christiano servetur pax generaliter, ita quod per ecclesiarum praelatos discordantes reducantur ad plenam pacem aut firmam treguam inviolabiliter observandam; et qui acquiescere forte con-
 35 tempserint, per excommunicationem in personas et interdictum in terras arctissime compellantur, nisi tanta fuerit iniuriarum malitia, quod ipsi tali non debeant pace gaudere. Quod si forte censuram ecclesiasticam vilipenderint, poterunt non immerito formidare, ne per auctoritatem ecclesiae circa eos, tanquam perturbatores negotii crucifixi, saecularis
 40 potentia inducatur. Nos igitur omnipotentis Dei misericordia, et beatorum apostolorum Petri et Pauli auctoritate confisi, ex illa quam nobis, licet indigne, Deus ligandi atque solvendi contulit potestate⁵, omnibus qui laborem propriis personis subierint et expensis, plenam suorum peccaminum, de quibus liberaliter⁶ fuerint corde contriti et ore confessi,

40 * ligamina *Rm* b et *add. Cr MA* c indignis *LC*
 d potestate *ER* e veraciter *M* I ore *M om. rtll.*

¹ Cf. conc. Lat. III, c. 24 (v. supra p. 223).

* Excommunicamus praeterea et anathematizamus ... praesumendi: c. 17 A". V 6 (Fr 2, 777-778).

* Cf. conc. Lat. II, c. 14 (v. supra p. 200) et conc. Lat. III, c. 20 (v. supra p. 221).

⁴ Cf. Mt 16, 19; 18, 18.

complicity, it is our wish and command that prelates of churches exercise ecclesiastical severity against their persons and lands. We excommunicate and anathematize, moreover, those false and impious Christians who, in opposition to Christ and the Christian people, convey arms to the Saracens and iron and timber for their galleys. We decree that those who sell them galleys or ships, and those who act as pilots in pirate Saracen ships, or give them any advice or help by way of machines or anything else, to the detriment of the holy Land, are to be punished with deprivation of their possessions and are to become the slaves of those who capture them. We order this sentence to be renewed on Sundays and feast-days in all maritime towns; and the bosom of the church is not to be opened to such persons unless they send in aid of the holy Land the whole of the damnable wealth which they received and the same amount of their own, so that they are punished in proportion to their offence¹. If perchance they do not pay', they are to be punished in other ways in order that through their punishment others may be deterred from venturing upon similar rash actions². In addition, we prohibit and on pain of anathema forbid all Christians, for four years, to send or take their ships across to the lands of the Saracens who dwell in the east, so that by this a greater supply of shipping may be made ready for those wanting to cross over to help the holy Land, and so that the aforesaid Saracens may be deprived of the not inconsiderable help which they have been accustomed to receiving from this.

Although tournaments have been forbidden in a general way on pain of a fixed penalty at various councils³, we strictly forbid them to be held for three years, under pain of excommunication, because the business of the crusade is much hindered by them at this present time. Because it is of the utmost necessity' for the carrying out of this business that rulers of the Christian people keep peace with each other, we therefore ordain, on the advice of this holy general synod, that peace be generally kept in the whole Christian world for at least four years, so that those in conflict shall be brought by the prelates of churches to conclude a definitive peace or to observe inviolably a firm truce. Those who refuse to comply shall be most strictly compelled to do so by an excommunication against their persons and an interdict on their lands, unless their wrongdoing is so great that they ought not to enjoy peace. If it happens that they make light of the church's censure, they may deservedly fear that the secular power will be invoked by ecclesiastical authority against them as disturbers of the business of him who was crucified.

We therefore, trusting in the mercy of almighty God and in the authority of the blessed apostles Peter and Paul, do grant, by the power of binding and loosing that God has conferred upon us⁴, albeit unworthy, unto all those who

¹ See Lateran council III, canon 24 (see above p. 223).

• We excommunicate and anathematize ... actions: ch. 17, *Decretals*, V 6 (Fr 2, 777-778).

² See Lateran council II, canon 14 (see above p. 200), and Lateran council III, canon 20 (see above p. 221).

⁴ See Mt 16, 19; 18, 18.

veniam indulgemus, et in retributione Justorum salutis aeternae pollicemur augmentum; eis autem, qui non in personis propriis illuc accesserint, sed in suis dumtaxat expensis iuxta facultatem et qualitatem suam viros idoneos destinarint, et illis similiter, qui licet in alienis expensis, in propriis tamen personis accesserint, plenam suorum concedimus veniam 5 peccatorum. Huius quoque remissionis volumus et concedimus esse participes, iuxta qualitatem subsidii et devotionis affectum.¹* omnes qui ad subventionem ipsius Terrae de bonis suis congrue ministrabunt, aut consilium et auxilium impenderint opportunum. Omnibus etiam pie proficiscentibus⁵ in hoc opere communi universalis synodus omnium 10 beneficiorum suorum suffragium impartitur, ut eis digne proficiat ad salutem.†

a effectum *Cr* b proficientibus *MA*

1 Cf. inter alios A. Gottlob, *Die päpstlichen Kreuzsstenen des 13. Jahrhunderts* — Heiligenstadt 1892, 18-28, 177; H. Q. Lea, *A History of Auricular Confession* . . ., III Philadelphia 1896» 13. 60, 156, 169; A. Gottlob, *Kreuzablauf und Almosenablauf. Eine Studie über die Frühzeit des Ablaufs*, Stuttgart 1906, 136-139; W. E. Lunt, *Financial Relations of the Papacy with England to 1327* (The Mediaeval Academy of America» Publ. 33), Cambridge, Mass. 1939, 127, 189, 242-244, 423, 427, 434; M. Villey, *La croisade. Essai sur la formation d'une théorie juridique*, Paris 1942, 179-185; G. Martini, *Innocenzo III e il finanziamento delle crociate*, Archivio della R. Deputazione romana di storia patria, N. S. 10 (1944) 322-324; Fliche 197-199; Tillmann 231-232; P. Alphandéry, *La chrétienté et l'idée de croisade* . . . H Paris 1959, 160-163; Maccarrone 280-281. Cf. etiam conc. Lat I, c. 10 (v. supra pp. 191-192).

undertake this work in person and at their own expense, full pardon for their sins about which they are heartily contrite and have spoken in confession, and we promise them an increase of eternal life at the recompensing of the just; also to those who do not go there in person but send suitable men at their own expense, according to their means and status, and likewise to those who go in person but at others' expense, we grant full pardon for their sins. We wish and grant to share in this remission, according to the quality of their help and the intensity of their devotion, all who shall contribute suitably from their goods to the aid of the said Land or who give useful advice and help. Finally, this general synod imparts the benefit of its blessings to all who piously set out on this common enterprise in order that it may contribute worthily to their salvation.'

¹ See among others A. Gottlob, *Die papstlichen Kreuzzugssteuern des 13. Jahrhunderts ...*, Heiligenstadt 1892, 18-28, 177; H. C. Lea, *A History of Auricular Confession ...*, III Philadelphia 1896, 13, 60, 156, 169; A. Gottlob, *Kreuzablaß und Almosenablaß. Eine Studie über die Frühzeit des Ablasswesens*, Stuttgart 1906, 136-139; W. E. Lunt, *Financial Relations of the Papacy with England to 1327* (The Mediaeval Academy of America, Publ. 33), Cambridge, Mass. 1939, 127, 189, 242-244, 423, 427, 434; M. Villey, *La croisade. Essai sur la formation d'une théorie juridique*, Paris 1942, 179-185; G. Martini, *Innocenzo III e il finanziamento delle crociate*, Archivio della R. Deputazione romana di storia patria, N.S. 10 (1944) 322-324; Fliche 197-199; Tillmann 231-232 (trans. Sax 282-283); P. Alphandéry, *La chrétienté et l'idée de croisade ...*, II Paris 1959, 160-163; Maccarrone 280-281; HC 4 (1980) 169-170. See also Lateran council I, canon 10 (see above pp. 191-192).

Lyons I
1245

INTRODUCTION

The dispute, distinctive of the Middle Ages, between the papacy and the empire became very serious under Pope Innocent IV and Emperor Frederick II. Already in 1240 Pope Gregory IX had tried to define the questions between the two powers by calling a general council, but Frederick II by arms had prevented the council from meeting. When Innocent IV succeeded as pope in 1243 he gave his earnest attention to renewing this policy¹. He was able to make his way in 1244 to Lyons, which was outside the direct authority of the emperor, and there proclaimed a council². Some letters of summons exist, dated 3 January 1245 and the days following³, in which the purpose of the council is stated thus: "That the church, through the salutary counsel of the faithful and their fruitful help, may have the dignity of its proper position; that assistance may speedily be brought to the unhappy crisis in the holy Land and the sufferings of the eastern empire; that a remedy may be found against the Tartars and other enemies of the faith and persecutors of the Christian people; further, for the issue between the church and the emperor; for these reasons we think that the kings of the earth, the prelates of the church and other princes of the world should be summoned"⁴. The chief purposes for which the council was called — and from the beginning it was called "general"⁵ — seem to have been political ones.

When the council opened on 26 June 1245, in a meeting which was probably only preparatory⁶, there were present three patriarchs and about 150 bishops besides other religious and secular persons, among whom was the Latin emperor of Constantinople. Emperor Frederick II sent a legation headed by Thaddaeus of Suessa. Many bishops and prelates were unable to attend the council because they had been prevented by the invasions of the Tartars in the east or the attacks of the Saracens in the holy Land, or because Frederick II had intimidated them

¹ For what pertains to the early part of Innocent's pontificate, see among others, H. Weber, *Der Kampf zwischen Papst Innocenz IV und Kaiser Friedrich II bis zur Flucht des Papstes nach Lyon*, Berlin 1910: see also F. Graefe, *Die Publizistik in der letzten Epoche Kaiser Friedrichs II* ..., Heidelberg 1909, 96-223.

² Nicholas of Curbio, *Vita Innocentii IV*, in L. Muratori, *Rer. Ital. Script.*, III/I Milan 1723, 592 e; see also Manin no. 901.

³ Potthast nos. 11493. 11497-11500, 11521, 11523; Berger, *Registres* nos. 1354-1357; Martin nos. 893-895, 897-900, 905-909, 918, 920, 927-928, 945.

⁴ *Epistolae saeculi XIII et regestis pontificum Romanorum* ..., ed. C. Rodenberg (MGH), II Berlin 1887, 57 no. 78.

⁵ But see Berger, *Saint Louis* ..., 120.

⁶ See Berger, *Saint Louis* ..., 128; Martin no. 1038.

(especially the Sicilians and Germans). Thus it was that the four chief parties at the council were the French and probably the Spanish, English and Italian.⁷ In the three sessions which were held during the council (26 June, 5 and 17 July)^{8,9} the fathers, not without hesitation and dispute, had to treat especially of Frederick II. There seems to have been a bitter conflict between Innocent IV on the one side and Thaddaeus of Suessa on the other. The sources, especially the *Brevis nota* and Matthew Paris¹⁰, tell us clearly about the nature of the discussion and the determined attitude of the pope, who induced the council to depose the emperor at the session on 17 July 1245, a matter that appeared unprecedented to the fathers themselves¹¹. The council on this question shows us clearly the critical position reached by the medieval theory and practice of ruling a Christian state, which rested on a double order of authority.

In the same session of 17 July the council also approved some strictly legal constitutions¹¹ and others on usury, the Tartars and the Latin east. But the council, unlike the previous councils of the Middle Ages, did not approve canons concerning the reform of the church and the condemnation of heresy. Enthusiasm for the Gregorian reform movement seems to have died down completely. The council, however, concerned itself with promoting and confirming the general canonical legislation for religious life.

The transmission of the text of the constitutions is involved and still partly obscure.¹² Only in recent times has it been realised that the authentic and definitive drawing up of the constitutions, and their promulgation, took place after the council. This collection consists of 22 constitutions, all of which are of a legal nature, and was sent to the universities by Innocent IV on 25 August 1245 (Coll. I). A second collection of 12 decrees was published by Innocent IV on 21 April 1246 (Coll. II). A final collection (Coll. I 4- II and 8 other decrees) was issued on 9 September 1253 (Coll. III), and was included (except for const. 2) in

⁷ On the number of council fathers, see the evidences collected in Berger, *Saint Louis* .. 120-128 (and see Berger, *Registres* nos. 1042, 2701, 3055); Manin nos. 954-1037, 1042. ⁸ These seem the most likely days, but the evidence is not consistent; see Manin nos. 951, 1044-1051, 1061-1090, 1092.

⁹ On the *Brevis nota* see especially M. Tangl, *Die Sogenannte Brevis nota über das Lyoner Konzil von 1245*, Mitteilungen des Inst. für österreichische Geschichtsforschung 12 (1891) 246-253; Kuttner, *L'édition* ..., 21-40. For the other evidence see. *Documents Illustrative of English History in the Thirteenth-Fourteenth Centuries*..., ed. H. Cole, London 1844, 351 ff.; W. E. Lunt, *The Sources for the First Council of Lyons, 1245*, English Historical Review 33 (1918) 72-78; T. von Karajan, *Zur Geschichte* ...; Manin no. 953. For *Pavo*, see B. Hirsch, *Zur "Notitia saeculi" und turn "Pavo"*, Mitteilungen des Inst. für österreichische Geschichtsforschung 40 (1925) 317-335.

¹⁰ See Matthew Paris, *Chronica majora*, ed. H. R. Luard (Rolls Series 57/4), IV London 1877, 445, 456; see Martin no. 1089.

¹¹ See Martin nos. 1079-1082.

¹² See Kuttner, *Die Konstitutionen* 70-131. which is still the best work on this.

Liber Sextus in 1298". Coll. I, however, is not identical with the constitutions of the council. For in it can be found neither the condemnation of Frederick II, which seems to have been the chief matter of the council, nor the five constitutions pertaining to the important questions introduced by Innocent IV at the opening of the council", namely those concerned with the Tartars, the Latin east and the crusades.

Stephen Kuttner has shown¹⁵ that the constitutions have been transmitted to us through three versions: the conciliar version (= M), known principally from the chronicle of Matthew of Paris (const. 1-19, and the const. on the crusade corresponding to R 17); the intermediate version (= R), known from the register of Innocent IV (const. 1-17, of which const. 1-12 correspond to M 1-10); and the definitive version (= Coll. I), containing two constitutions (18 and 22) which are absent from the other versions, but lacking the constitutions not directly concerned with the law (R 13-17).

Indeed, the origins of the constitutions must be placed before the council, as is shown by an earlier version of constitutions M 13, 15 and 19, antedating the council.¹⁶ Evidently the council fathers were discussing matters which had already been partly worked out, and it was somewhat later that the constitutions acquired their more accurate and definite legal form.

The constitutions taken from Matthew Paris were edited in Bn¹ III/2 (1606) 1482-1489. Those from the register of Innocent IV were edited in Rm IV (1612) 73-78. All later editions followed Rm¹⁷. However, I. H. Böhmer¹⁸ and Msi¹ 2 (1748) 1073-1098 (afterwards in Msi 23 (1779) 651-674) printed Coll. III. in addition. Coll. I, as such, has never been edited; but there exists both an indirect transmission (Coll. I -I- II, Coll. III, *Liber Sextus*)¹⁹ and a direct, single-family transmission through eight manuscript codices²⁰: Arras, Bibl. Municipale 541; Bratislava, formerly Cathedral Library, 13; Innsbruck, Universitätsbibl., 70,

¹⁵ See E. Fournier, *L'accueil fait par la France du XIII^e siècle aux décrétales pontificales*, Acta congressus iuridici internationalis ..., Romae 12-17 nov. 1934, III Rome 1936, 258-262; Fournier, *Questions d'histoire du droit canonique*, Paris 1936, 33-37; S. Kuttner, *Decretalistica*, Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Kanon. Abt. 26 (1937) 436-437; id., *Die Konstitutionen* ..., 70-81; P.-J. Kessler, *Untersuchungen über die Novellen-Gesetzgebung Papst Innocenz IV...*, ibid. 31 (1942) 142-320 (especially 142-153, 195-202, 213-238); W. Ullmann, *Medieval Papalism. The Political Theories of the Medieval Canonists*, London 1949, 201-205.

¹⁶ See *Brevis nota* ..., ed. L. Weiland, MGH *Const. et acta*, II Hanover 1896, 514 (Msi 23, 610-611); Matthew Paris ..., 434-435; see also Martin no. 1044; Kuttner, *Die Konstitutionen* ..., 95.

¹⁷ See Kuttner, *Die Konstitutionen* ..., 97-110.

¹⁸ See Kuttner, *Die Konstitutionen* ..., 104-106; see Matthew Paris ..., 473.

¹⁹ See Kuttner, *Die Konstitutionen* ..., 81-91; Kuttner, *L'édition* ..., 6-8, 61-63.

²⁰ See I. H. Böhmer, *Corpus iuris canonici*, II Halle 1947, Append. 351-368.

²¹ See especially Kuttner, *Decretalistica* ..., 444-453; Kessler, *Untersuchungen* ..., 242-290; see Friedberg, 2, LI-LVI.

²² See Kuttner, *Decretalistica* 443-444; Kuttner, *Die Konstitutionen* ..., 74; Kessler, *Untersuchungen* ..., 235-238.

fos. 335'-338' (= /); Kassel, Landesbibl., Iur. fol. 32; Munich, Bayerische Staatsbibl., Lat. 8201e, fos. 219v-220r, and Lat. 9654; Trier, Stadtbibl., 864; Vienna, Nationalbibl., 2073, fos. 238v-242' (= W)²¹23

Our edition of the constitutions tries to give all the documents truly belonging to the council. Coll. I has been taken as the base, and variants from M and R are set out in the critical apparatus. The text of Coll. I has been established from codices / and W, which we have seen in microfilm. With regard to M, the edition of H.R. Luard has been used²². With regard to R, we have examined directly the register of Innocent IV²³. We think, moreover, that the last five constitutions in R (13-17; 17 is also in M and *Annales de Burton*) should also be included among the constitutions of the council, even though they were not included in Coll. I. We have printed the text of these five constitutions from the register of Innocent IV²⁴; as regards const. 17, we have also compared M²⁵ and *Annales de Burton* (= Pu)²⁶.

We think that the bull of deposition of the emperor Frederick II²⁷ must be considered a statute of the council, and we place this in front of the constitutions. The transmission of the text of the bull is involved, and the editions are very faulty²⁸. There are three copies of the bull: Vatican Archives, AA. Arm. I-XVIII, 171 (= V); Paris, Archives Nationales, L 245 no. 84 (= P); Lyons, Archives du Rhône, Fonds du chap, primat., Arm. Cham. vol. XXVII no. 2 (= Z.)²⁹. Of these only V has been published³⁰. Other transcriptions of the bull are given in the register of Innocent IV, in some chronicles (Matthew of Paris, *Annals of Plasencia*, *Annals of Melrose*), in collections of decretals, and in some more recent publications (Bzovius)³¹. Our edition takes as its base V, *P* and *L*.

BIBLIOGRAPHY: H-L 5/2 (1913) 1633-1679; DThC 9/1 (1926) 1361-1374; LThK 6 (21961) 1251-1252; NCE 8 (1967) 1116-1118; HC 4(1980) 195-198; T. von Karajan, *Zur Geschichte des Concils von Lyon 1245*, Denkschriften der K. Akad. der Wiss. in Wien, Phil.-hist. Kl. 2 (1851) 67-118; A. Theiner, *I due concili di Lione del 1245 e di Costanza del 1414 intorno al dominio temporale della S. Sede*, Rome 1861, 6-24; *Les registres d'Innocent IV*, II ed. E. Berger, Paris 1887, LXXXI-XXCVIII; E. Berger, *Saint Louis et Innocent IV. Étude sur les rapports de la France et du Saint-Siège*, Paris 1893, 115-138; J. B. Martin, *Conciles et Bulles du diocèse de Lyon ...*, Lyons 1905, 252-283; A. Folz, *Kaiser Friedrich II und Papst*

²¹ To these codices should be added Vatican Lat. 1365, fos. 586v-590r, with the comments pertaining to the commentary of Bernard of Compostella the younger, and perhaps two extracts in codices at Frankfurt and St Florian; see Kuttner, *Decretalistica* 443; Kuttner, *Die Konstitutionen* ..., 74 n. 10; Kessler, *Untersuchungen* ..., 235, 238-239.

²² Matthew Paris ... 462-472.

²³ Vatican Archives, Reg. XXI, fos. 210*-211r.

²⁴ Vatican Archives. Reg. XXI, fos. 211r-212'.

²⁵ Matthew Paris ..., 456-462.

²⁶ *Annales monastici*, I ed. H.R. Luard (Rolls Series 36/1), London 1864, 267-271.

²⁷ See DThC 9/1 (1926) 1369-1371.

²⁸ See Kuttner, *L'édition* ..., 55-58.

²⁹ See Kuttner, *L'addition* ..., 47.

³⁰ See L. Weiland, in MGH *Const. et acta*, II 508-512, no. 400.

³¹ See Kuttner, *L'édition* ..., 41-60.

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TEXT AND TRANSLATION

[Bulla depositionis Friderici II imperatoris]

Innocentius episcopus servus servorum Dei sacro praesente concilio ad rei memoriam sempiternam. Ad apostolicae dignitatis apicem licet indigni dignatione divinae maiestatis assumpti, omnium Christianorum curam s vigili sedulaque solertia gerere ac intimae considerationis oculo singulorum discernere merita et providae deliberationis statera librare debemus, ut quos iusti vigor examinis dignos ostenderit, congruis attollamus favoribus, quos autem reos poenis debitis deprimamus, appendentes semper meritum et praemium aequa lance, retribuendo cuique iuxta qualitatem 10 operis, poenae vel gratiae quantitatem. Sane cum dira guerrarum commotio nonnullas professionis Christianae provincias diutius afflisset, nos toto cupientes mentis affectu tranquillitatem et pacem ecclesiae sanctae Dei ac generaliter cuncto populo christiano, ad praecipuum principem saecularem, huiusmodi dissensionis et tribulationis actorem, a felici recordationis Gregorio papa praedecessore nostro pro suis excessibus anathematis vinculo innodatum², speciales nuntios, magnae auctoritatis viros, videlicet venerabiles fratres Petrum Albanensem³, tunc Rothomagenscm archiepiscopum, et Guillelmum Sabinensem⁴, tunc quondam Mutinensem, episcopos ac dilectum filium nostrum Guillelmum⁵ basilicae 20 Duodecim apostolorum presbyterum cardinalem, tunc abbatem sancti Facundi, qui salutem zelabantur ipsius, duximus destinandos, facientes sibi proponi per ipsos, quod nos et fratres nostri quantum in nobis erat pacem per omnia secum habere necnon cum omnibus hominibus optabamus, parati sibi pacem et tranquillitatem dare ac mundo etiam universo. 25 Et quia praelatorum, clericorum omniumque aliorum, quos detinebat captivos, et omnium tam clericorum quam laicorum, quos coeperat in galeis⁶, restitutio poterat esse pacis plurimum inductiva, eum ut illos restitueret, cum hoc idem tam ipse quam sui nuntii, antequam ad apostolatus vocati essemus officium, promisissent, rogari et peti ab ipso fecimus 30 per eosdem ac proponi insuper, quod iidem parati pro nobis erant audire et tractare pacem ac etiam audire satisfactionem, quam facere vellet princeps de omnibus, pro quibus vinculo erat excommunicationis astrictus, et offerri praeterea, quod si ecclesia eum in aliquo contra debitum laeserat, quod non credebat, parata erat corrigere ac in statum debitum reformare. 35 Et si diceret ipse, quod in nullo contra iustitiam laeserat ecclesiam vel quod nos cum contra iustitiam laesissemus, parati eramus vocare reges, praelatos et principes tam ecclesiasticos quam saeculares ad aliquem tutum locum, ubi per se vel solemnes nuntios convenirent, eratque parata ecclesia de consilio concilii sibi satisfacere, si eum laesisset in aliquo, ac 40 revocare sententiam, si quam contra ipsum^b iniuste tulisset, et cum omni mansuetudine ac misericordia, quantum cum Deo et honore suo fieri poterat, recipere de iniuriis et offensis ipsi ecclesiae suisque per eum irro-

* F(ridericum) *add. P* b eum *L*

1 Gregorius papa IX (1227-1241). 1 Cf. Potthast p.695 (a. 1227) et pp. 907-908 (a. 1239).

s Petrus de Collemedio, card. 1244-1253.

* Guilelmus de Sabaudia, card. 1244-1251.

* Guilelmus de Talliante, card. 1244-1250.

* Die 3 maii 1241 ; cf. infra.

[The bull of deposition of the emperor Frederick II]

Innocent, bishop, servant of the servants of God, in the presence of the holy council, for an everlasting record. Raised, though unworthy, to the highest point of the apostolic dignity, by the will of the divine majesty, we ought to exercise a watchful, diligent and wise care of all Christians, to examine with close attention the merits of individuals and to weigh them in the balance of prudent deliberation, so that we may raise by suitable favours those whom a rigorous and just examination shows to be worthy, and depress the guilty with due penalties, weighing always the merit and the reward in a fair scale, repaying to each the amount of penalty or favour according to the nature of his work. Indeed since the terrible conflict of war has afflicted some countries of the Christian world for a long time, as we desired with our whole heart the peace and tranquillity of the holy church of God and of all the Christian people in general, we thought that we should send special ambassadors, men of great authority, to the secular prince who was the special cause of this discord and suffering. He was the man whom our predecessor of happy memory, Pope Gregory¹, had bound by anathema because of his excesses'. The ambassadors we sent, men eager for his salvation, were our venerable brethren Peter of Albano³, at that time bishop of Rouen, William of Sabina⁴, at that time bishop of Modena, and our beloved son William⁵, cardinal-priest of the basilica of the Twelve Apostles and at that time abbot of Saint Facundus. Through them we proposed to him, because we and our brethren desired to have peace with him and with all people, as far as lay in our power, that we were ready to grant peace and tranquillity to him and also to the rest of the whole world.

Because the restitution of the prelates, clerics and all others whom he kept in captivity, and of all both clerics and laymen whom he had taken in the galleys⁶, could especially lead the way to peace, we asked and begged him through our said ambassadors to set these prisoners free. This both he and his envoys had promised before we had been called to the apostolic office. Further we informed him that our ambassadors were ready on our behalf to hear and treat of peace, and even of satisfaction, should the emperor be ready to make it with regard to all those things for which he had incurred excommunication; and besides to offer him that if the church had injured him in anything contrary to justice — though it did not believe it had done so — it was ready to put it to rights and restore the proper position. If he said that he had harmed the church in nothing unjustly, or that we had harmed him contrary to justice, we were ready to call the kings, prelates and princes, both ecclesiastical and lay, to some safe place where either by themselves or by official representatives they might come together, and that the church was ready on the advice of the council to satisfy him if in anything it had harmed him, and to recall the sentence of excommunication if it had been brought unjustly against him, and with all clemency and mercy, in so far as it could be done without offence to God and its own

¹ F(ederick) *added in P.*

¹ Pope Gregory IX (1227-1241).

² See Potthast p. 695 (year 1227) and pp. 907-908 (year 1239).

³ Peter of Colmieu, cardinal 1244-1253. ⁴ William of Savoy, cardinal 1244-1251.

⁵ William of Lalliente, cardinal 1244-1250. ⁶ On 3 May 1241; see below.

gatis satisfactionem ab ipso. Volebat etiam ecclesia³ omnes amicos suos sibiqueb adhaerentes in pace ponere plenaque securitate gaudere, ut numquam hac occasione possent aliquod subire discrimen. Sed licet sic apud eum pro pace paternis monitis et precum insistere curaverimus lenitate, idem tamen Pharaonis imitatus duritiaml et obturans more aspidis aures suas², huiusmodi preces et monita elata obstinatione ac obstinata elatione despexit. Et licet processu temporis in die coenae Domini proximo nuper praeterita praecedente coram nobis et fratribus nostris, praesentibus carissimo in Christo filio nostro Constantinopolitano imperatore' illustri, coetu quoque non modico praelatorum, senatoribus populoque Romano et maxima multitudine aliorum, qui eodem die propter solemnitatem ipsius de diversis mundi partibus ad apostolicam sedem convenerant, quod staret nostris et ecclesiae mandaribus per nobilem virum Raymundum comitem Tholosanum ac magistros Petrum de Vineia et Tadeum de Suessa curiae suae iudices, nuntios et procuratores suos speciale⁰ super hoc ab ipso mandatum habentes, praestiterit iuramentum*, postmodum tamen quod iuraverat non implevit. Quin immo ea intentione ipsum praestitisse probabiliter creditur, sicut ex factis sequentibus colligitur evidenter, ut eidem ecclesiae ac nobis illuderet potius quam pareret, cum anno et amplius iam elapso nec ad ipsius ecclesiae graemium revocari potuerit nec sibi de illatis ei damnis et iniuriis curaverit satisfacere, licet super hoc extiterit requisitus. Propter quod non valentes absque gravi Christi offensa eius iniquitates amplius tolerare, cogimur urgente nos conscientia iuste animadvertere in eundem. Et ut ad praesens de ceteris eius sceleribus taceamus, quatuor gravissima, quae nulla possunt celari tergiversatione, commisit. Deieravit enim multotiens; pacem quondam inter ecclesiam et imperium reformatam temere violavit; perpetravit etiam sacrilegium, capi faciens cardinales sanctae Romanae ecclesiae ac aliarum ecclesiarum praelatos et clericos, religiosos et saeculares, venientes ad concilium quod idem praedecessor duxerat convocandum; de haeresi quoque non dubiis et levibus sed difficilibus et evidentibus argumentis suspectus habetur. Plura siquidem eum commisisse periuria satis patet. Nam olim cum in Siciliae partibus morabatur, priusquam esset ad imperii dignitatem electus, coram bonae memoriae Gregorio sancti Theodori' diacono cardinali, apostolicae sedis legato, felicitis recordationis Innocentio papae⁶ praedecessori nostro et successoribus eius ecclesiaeque Romanae, pro concessione regni Siciliae ab eadem ecclesia sibi facta, fidelitatis praestitit iuramentum⁷ et, sicut dicitur, illud idem, postquam ad eandem dignitatem electus exstitit et venit ad Urbem, coram eodem Innocentio suisque fratribus, aliis multis praesentibus, ligium hominum in eius faciens manibus, innovavit. Deinde

a om. *L* b sibi *P* c spéciales *V*

1 Cf. Ex 7,13. ' Cf. Ps 57, 5. ' Baldovinus II imperator latinus in oriente (f 1261).

4 Die 31 mart. 1244; cf. J.-L.-A. Huillard-Bréholles, *Historia diplomatica Friderici secundi*, VI Parisiis 1860, 271-272; Potthast p. 962.

4 Gregorius de Crescentic, card. 1205-1226.

• Innocentius papa III (1198-1216). ' Cf. Huillard-Bréholles, I Parisiis 1852, 201-203.

honour, to receive satisfaction from him for the injuries and wrongs done to the church itself and its members through him.

The church also wished to secure peace for his friends and supporters and the enjoyment of full security, so that for this reason they should never incur any danger. But though in our relations with him, for the sake of peace, we have always taken care to rely on paternal admonitions and gentle entreaty, yet he, following the hardness of Pharaoh¹ and blocking his ears like an ass², with proud obstinacy and obstinate pride has despised such prayers and admonitions. Furthermore on the Maundy Thursday previous to that which has just passed, in our presence and that of our brother cardinals, and in the presence of our dear son in Christ, the illustrious emperor of Constantinople³, and of a considerable gathering of prelates, before the senate and people of Rome and a very large number of others, who on that day because of its solemnity had come to the apostolic see from different parts of the world, he guaranteed on oath, through the noble count Raymond of Toulouse, and Masters Peter de Vineia and Thadæus of Suessa, judges of his court, his envoys and proctors who had in this matter a general commission, that he would keep our commands and those of the church⁴. However afterwards he did not fulfil what he had sworn. Indeed it is likely enough that he took the oath, as can be clearly gathered from his following actions, with the express intention of mocking rather than obeying us and the church, since after more than a year he could not be reconciled to the bosom of the church, nor did he trouble to make satisfaction for the losses and injuries he had caused it, even though he was asked to do this. For this reason, as we are unable without giving offence to Christ to bear any longer his wickedness, we are compelled, urged on by our conscience, justly to punish him.

To say nothing about his other crimes, he has committed four of the greatest gravity, which cannot be hidden by evasion. For, he has often failed to keep his oath; he deliberately broke the peace previously established between the church and the empire; he committed a sacrilege by causing the arrest of cardinals of the holy Roman church and of prelates and clerics of other churches, both religious and secular, who were coming to the council which our predecessor had decided to summon; he is also suspect of heresy, by proofs which are not light or doubtful but clear and inescapable.

It is clear that he has often been guilty of perjury. For, once when he was staying in Sicily, before he had been elected to the dignity of emperor, in the presence of Gregory of happy memory, cardinal deacon of Saint Theodore⁵ and legate of the apostolic see, he took an oath of loyalty to our predecessor Pope Innocent⁶ of happy memory and his successors and the Roman church, in return for the grant of the kingdom of Sicily made to him by this same church⁷. Likewise, as is said, after he had been elected to that same dignity and had come to Rome, in the presence of Innocent and his brother cardinals and before many

¹ See Ex 7, 13. ² See Ps 57, 5.

³ Baldwin II» Latin emperor in the east (| 1261).

⁴ On 31 March 1244; see J-L-A. Huillard-Bréholles» *Histona diplomatica Friderici secundi*. VI Paris 1860» 271-272; Potthast p. 962.

⁵ Gregory of Crescentic» cardinal 1205-1226. ⁶ Pope Innocent III (1198-1216).

See Huillard-Bréholles» I Paris 1852, 201-203.

cum in Alamannia esset, eidem Innocentio et, ipso defuncto, bonae memoriae Honorio papae¹ praedecessori nostro et eius successoribus ac ipsi ecclesiae Romanae, praesentibus imperii principibus atque nobilibus, iuravit honores, iura et possessiones Romanae ecclesiae pro posse suo
 5 servare ac protegere bona fide, et quod quaecumque ad manus suas devenirent, sine difficultate restituere procuraret, nominatis expresse dictis possessionibus in huiusmodi iuramento; quod postmodum confirmavit, coronam imperii iam adeptus. Sed horum trium iuramentorum temerarius exstitit violator non sine proditoris nota et laesae crimine
 10 maiestatis. Nam contra praefatum praedecessorem Gregorium et fratres suos comminatorias litteras eisdem fratribus destinare ac dictum Gregorium apud fratres ipsos, sicut apparet per litteras ab eo tunc directas eisdem, et etiam, prout fertur, per universum fere orbem terrarum multipliciter diffamare praesumpsit. Ac venerabilem fratrem nostrum Ottonem Portuensem², tunc sancti Nicolai in Carcere Tulliano diaconum cardinalem, et bonae memoriae Iacobum Praenestinum³ episcopos, apostolicae sedis legatos, nobilia et magna ecclesiae Romanae membra, personaliter capi fecit et bonis omnibus spoliatos ac per diversa loca non semel ignominiose deductos carceribus mancipari⁴. Privilegium insuper, quod beato Petro et
 20 successoribus eius in ipso tradidit dominus Iesus Christus, videlicet: *quodcumque ligaveris super terram, erit ligatum et in coelis, et quodcumque solveris super terram, erit solutum et in coelis*⁵, in quo utique auctoritas et potestas ecclesiae Romanae consistit, pro viribus diminuire vel ipsi ecclesiae auferre sategit, scribens se praefati Gregorii sententias⁶ non vereri, latam
 » ab eo excommunicationem in ipsum non solum contemptis ecclesiae clavibus non servando, verum etiam per se ac officiales suos et illam et alias excommunicationis vel interdicti sententias, quas idem omnino contempsit, cogendo alios non servare. Possessiones quoque praefatae Romanae ecclesiae, videlicet Marchiam, Ducatum, Beneventum, cuius muros
 30 et turres dirui fecit, ac alias quas in Tusciae ac Lombardiae partibus et quibusdam aliis obtinebat locis, paucis exceptis, occupare non metuens, eas adhuc detinet occupatas. Et tamquam ei non sufficeret, quod manifeste contra iuramenta praemissa praesumendo talia veniebat⁷, per se vel suos officiales earumdem possessionum homines deierare compulit, ipsos
 35 a iuramentis fidelitatis, quibus Romanae tenebantur ecclesiae, de facto, cum de iure non posset, absolvens et faciens eosdem fidelitatem nihilominus abiurare praedictam sibi quae fidelitatis huiusmodi iuramenta praestare. Pacis vero ipsum violatorem exsistere plene constat, quia cum olim tempore pacis inter ipsum et ecclesiam reformatae iurasset coram bonae
 40 memoriae Iohanni de Abbatis Villa⁸ episcopo Sabinensi et magistro Thomaasio⁹ tituli sanctae Sabinae presbytero cardinali, praesentibus multis praelatis, principibus et baronibus, quod staret et pareret praecise absque ulla

a sententiam *L* b vendebat *P*

¹ Honorius papa III (1216-1227). ² Otto de Monteferrato, card. 1227-1251.

* Iacobus de Pecoraria, card. 1231-1244. ⁴ Cf. Kantorowicz, I 528; II 224.

* Mt 16,19. ⁵ Iohannes Halgrin, card. 1227-1238. ⁷ Thomas de Episcopo, card. 1216-1243.

others, he renewed that oath, making his pledge of homage in the pope's hands. Then, when he was in Germany he swore to the same Innocent, and on his death to our predecessor Pope Honorius' of happy memory and his successors and the Roman church itself, in the presence of the princes and nobles of the empire, to preserve as far as was in his power, the honours, rights and possessions of the Roman church, and loyally to protect them, and without difficulty to see to the restoration of whatever came into his hands, expressly naming the said possessions in the oath: afterwards he confirmed this when he had gained the imperial crown. But he has deliberately broken these three oaths, not without the brand of treachery and the charge of treason. For against our predecessor Gregory and his brother cardinals, he has dared to send threatening letters to these cardinals, and in many ways to slander Gregory before his brother cardinals, as is clear from the letters which he then sent to them; and almost throughout the whole world, as it is said, he has presumed to diffame him.

He also personally caused the arrest of our venerable brother Otto, bishop of Porto², at that time cardinal deacon of Saint Nicholas in Carcere Tulliano, and James of happy memory, bishop of Palestrina³, legates of the apostolic see, noble and important members of the Roman church. He had them stripped of all their goods, and after more than once being led shamefully through different places, committed to prison⁴. Furthermore this privilege which our lord Jesus Christ handed to Peter and in him to his successors, namely, *whatever you bind on earth shall be bound in heaven, and whatever you loose on earth shall be loosed in heaven*⁵, in which assuredly consists the authority and power of the Roman church, he did his best to diminish or take away from the church itself, writing that he did not fear Pope Gregory's condemnations. For, not only by despising the keys of the church he did not observe the sentence of excommunication pronounced against him, but also by himself and his officials he prevented others from observing that and other sentences of excommunication and interdict, which he altogether set at nought. Also without fear he seized territories of the said Roman church, namely the Marches, the Duchy, Benevento, the walls and towers of which he has caused to be demolished, and others with few exceptions in parts of Tuscany and Lombardy and certain other places which he holds, and he still keeps hold of them. And as if it were not enough that he was clearly going against the aforesaid oaths by such presumption, either by himself or through his officials he has forced the inhabitants of these territories to break their oath, absolving them in fact, since he cannot do it in law, from the oaths of loyalty by which they were bound to the Roman church, and making them nonetheless forswear the said loyalty and take an oath of loyalty to himself.

It is absolutely clear that he is the violator of the peace. For, previously at a time when peace had been restored between himself and the church, he took an oath before the venerable John of Abbeville⁶, bishop of Sabina, and Master Thomas⁷, cardinal priest of the title of Saint Sabina, in the presence of many

¹ Pope Honorius III (1216—1227). ² Otto of Montferrat, cardinal 1227-1251.

³ James of Pecoraria, cardinal 1231-1244. ⁴ See Kantorowicz, I 528; II 224.

⁵ Mt 16, 19. ⁶ John Halgrin, cardinal 1227-1238.

⁷ Thomas de Episcopo, cardinal 1216-1243.

conditione omnibus mandatis ecclesiae super iis, pro quibus erat vinculo
 excommunicationis astrictus, causis excommunicationis eiusdem expressis
 per ordinem coram eo, tunc omnibus Theotonicis, hominibus regni
 Siciliae ac quibuscumque aliis, qui ecclesiae contra ipsum adhaeserant, om-
 nem remittens offensam et poenam, et quod nullo tempore offenderet vel 5
 offendi faceret ipsos pro eo quod ecclesiae adstiterant, praestari in anima
 sua per Thomasium comitem Acerrarum faciens iuramentum¹, postmodum
 pacem et iuramenta huiusmodi, nequaquam erubescens irretiri periuriis,
 non servavit. Nonnullos enim ex ipsis hominibus tam nobiles quam alios
 postea capi fecit et, eis bonis suis omnibus spoliatis, uxores eorum* et filios 10
 captivari ac terras ecclesiae contra promissionem, quam eisdem Ioanni Sa-
 binensi episcopo et Thomasio cardinali fecerat, irreverenter invasit, licet
 ipsi extunc in eum praesentem, si contraveniret, excommunicationis sen-
 tentiam promulgarint. Et cum iidem apostolica sibi auctoritate mandas-
 sent, ut nec per se nec per alium impediret, quin postulationes, electiones 15
 et confirmationes ecclesiarum et monasteriorum in regno praefato libere
 de cetero fierent secundum statuta concilii generalis, et quod nullus
 deinceps in eodem regno viris ecclesiasticis ac rebus eorum imponeret
 tallias vel collectas, quodque nullus ibidem clericus vel persona ecclesiasti- 20
 ca de cetero in civili vel criminali causa conveniretur coram iudice saecu-
 lari, nisi super feudis quaestio civiliter haberetur, ac Templariis, Hospi-
 talariis et aliis personis ecclesiasticis de damnis et iniuriis irrogatis eisdem
 satisfaceret competenter, ipse mandatum huiusmodi adimplere con-
 tempsit. Liquebat namque undecim aut plures archiepiscopales et multas 25
 episcopales sedes, abbatias quoque ac alias ecclesias vacare ad praesens
 in regno praedicto easque procurante ipso, sicut aperte patet, fuisse
 diutius praelatorum regimine destitutas in grave ipsarum praepiudicium et
 periculum animarum. Et licet forte in aliquibus eiusdem regni ecclesiis
 electiones sint a capitulis celebratae, quia tamen per illas eiusdem familiares 30
 clerici sunt electi, probabili potest argumento concludi, quod facultatem
 non habuerunt liberam eligendi. Ecclesiarum autem ipsius regni non
 solum facultates et bona fecit prout voluit occupari, sed etiam cruces,
 turibula, calices et alios sacros earum thesauros et pannos sericos velut
 cultus divini contemptor auferri, licet ut dicitur ipsis ecclesiis, exacto 35
 tamen prius pro eis certo pretio, in parte fuerint restituti. Clerici quippe
 collectis et taillis multipliciter affliguntur, nec solum trahuntur ad indi-
 cium saeculare, sed ut asseritur coguntur subire duella, incarcerantur,
 occiduntur et patibulis cruciantur in confusionem et opprobrium ordinis
 clericalis. Praefatis autem Templariis, Hospitalariis et personis ecclesia- 40
 sticis non est de damnis illatis eisdem et iniuriis satisfactum. Eum quo-
 que certum est fore sacrilegii patratores. Nam cum praefati Portuensis
 et Praenestinus episcopi et quam plures ecclesiarum praelati et clerici
 tam religiosi quam saeculares ad apostolicam sedem pro celebrando con-
 cilio, quod prius ipse petiverat, convocati per mare venirent, viis terrae
 » ipsorum *V* b ipsorum *P* c illa *VL* 45

1 A. 1230; cf. Huillard-Bréholles, III Parisiis 1852, 207-220, 226-228.

prelates, princes and barons, that he would observe and obey exactly and without reserve all the commands of the church with regard to those things for which he had incurred excommunication, after the reasons of that excommunication had been set out in order before him. Then, when remitting every sanction and penalty to the Teutonic knights, the inhabitants of the kingdom of Sicily and any others who had supported the church against him, he guaranteed on his soul through Thomas, count of Acerra, that he would never wrong them or cause them to be wronged on the ground that they had supported the church.¹ But he did not keep the peace and violated these oaths without any sense of shame that he was guilty of perjury. For afterwards he caused some of these very men, both nobles and others, to be captured; and after stripping them of all their goods, he had their wives and children imprisoned; and contrary to the promise he had made to bishop John of Sabina and cardinal Thomas, he invaded the lands of the church without hesitation, even though they promulgated in his presence that henceforth he would incur sentence of excommunication if he broke his promise. And when these two ecclesiastics, by their apostolic authority, ordered that neither by himself nor through others should he hinder postulations, elections or confirmations of churches and monasteries in the kingdom of Sicily from being held freely in future according to the statutes of the general council; that henceforth nobody in the same kingdom should impose taxes or collections on ecclesiastical persons or their property; that in the same kingdom no cleric or ecclesiastical person should in future be brought before a lay judge in a civil or criminal case, except for a suit in civil law over feudal rights; and that he should make adequate compensation to the Templars, Hospitallers and other ecclesiastical persons for the loss and injury inflicted upon them; he nevertheless refused to obey these commands.

It is clear that in the kingdom of Sicily eleven or more archiepiscopal and many episcopal sees, abbacies and other churches are at present vacant, and through his agency, as is patent, these have long been deprived of prelates, to their own grave loss and the ruin of souls. And though perhaps in some churches of the kingdom elections have been held by chapters, since however they have elected clerics who are Frederick's dependants, it can be concluded in all probability that they did not have a free power of choice. Not only has he caused the possessions and goods of churches in the kingdom to be seized at his pleasure, but also the crosses, thuribles, chalices and other sacred treasures of theirs, and silk cloth, to be carried off, like one who sets at nought divine worship, and although it is said that they have been restored in part to the churches, yet a price was first exacted for them. Indeed clerics are made to suffer in many ways by collections and taxes, and not only are they dragged before a lay court but also, as it is asserted, they are compelled to submit to duels and are imprisoned, killed and tortured to the disturbance and insult of the clerical order. Satisfaction has not been made to the said Templars, Hospitallers and ecclesiastical persons for the loss and injury done to them.

It is also certain that he is guilty of sacrilege. For when the aforesaid bishops of Porto and Palestrina, and many prelates of churches and clerics, both religious and secular, summoned to the apostolic see to hold the council which Frederick

¹ In 1230; see Huillard-Bréholles, III Paris 1852, 207-220, 226-228.

ipsis de mandato eius omnino praeclusis, idem destinato Ensio filio suo cum multitudine galearum et per alias quamplures longe antea serio praeparatas in partibus Tusciae maritimis insidiis positis contra eos, ut gravius posset virus vomere praeconceptum, ipsos ausu sacrilego capi
5 fecit, quibusdam praelatorum ipsorum et aliis in huiusmodi captione submersis, nonnullis etiam interemptis et aliquibus hostili insecutione fugatis, reliquis autem bonis spoliatis omnibus et* de loco ad locum in regnum Siciliae opprobriose deductis ac ibidem diris carceribus mancipatis. Quorum aliqui macerati squaloribus et inedia pressi miserabiliter defecerunt.
10 Merito insuper contra eum de haeretica pravitate suspicio est exorta, cum postquam excommunicationis sententiam a praefatis Ioanne episcopo Sabiniensi et Thomasio cardinali prolatam incurrit et dictus Gregorius papa ipsum anathematis vinculo innodavit, ac post ecclesiae Romanae cardinalium, praelatorum et clericorum ac aliorum etiam diversis temporibus ad
is sedem apostolicam venientium captionem, claves ecclesiae contempserit et contemnat, sibi faciens celebrari vel potius quantum in eo est prophari divina, et constanter asseveraverit, ut superius est narratum, se praefati Gregorii papae* sententias non vererib. Praeterea coniunctus amicitia detestabili Sarracenis, nuntios et munera pluries destinavit eisdem et ab
» eis vicissim cum honorificentia et ilaritate recepit ipsorumque ritus amplectitur, illos in cotidianis eius obsequiis notabiliter secum tenens, eorumdem etiam more uxoribus quas habuit de stirpe regia descendentibus, eunuchos, praecipue quos, ut dicitur serio, castrari fecerat, non erubuit deputare custodes. Et quod execrabilius est, olim existens in partibus transmarinis¹, facta compositione quadam, immo collusionem verius
25 cum soldano, Machometi nomen in templo Domini diebus et? noctibus publice proclamari permisit. Et nuper nuntios soldani Babiloniae, postquam idem soldanus Terrae sanctae ac christianis habitatoribus eius per se ac suos damna gravissima et inaestimabiles iniurias irrogarat, fecit per
» regnum Siciliae cum laudibus ad eiusdem soldani extollentiam, sicut fertur, honorifice suscipi et magnifice procurari. Aliorum quoque infidelium perniciosis et horrendis obsequiis contra fideles abutens et illis qui damnabiliter vilipendentes apostolicam sedem ab unitate ecclesiae discesserunt, procurans affinitate ac amicitia copulari, clarae memoriae Ludovicum ducem Bavariae², specialem ecclesiae Romanae devotum, fecit, sicut pro certo
as asseritur, Christiana religione despecta per assassinos occidi, et Batatio³, Dei et ecclesiae inimico a communione fidelium per excommunicationis sententiam cum adiutoribus, consiliatoribus et fautoribus suis solemniter separato, filiam suam tradidit in uxorem. Catholicorum vero principum
40 actus et mores respuens, neglector salutis et famae, pietatis operibus non intendit. Quin immo, ut de suis nefariis dissolutionibus sileamus, cum didicerit opprimere, non curat oppressos misericorditer relevare, manu eius, ut decet principem, ad eleemosynas non extenta, cum destructionid

1 om. L b sententiis . . . teneri P c K L <1 destitutioni P

1 Ludovicus I, dux Bavariae (1183-1231).

1 Ioannes III Vatatzes, imperator Graecus in oriente (1222-1254).

himself had previously asked for, were coming by sea, since the roads had been entirely blocked at his command, he stationed his son Enzo with a large number of galleys and, by means of many others duly placed long beforehand, he laid an ambush against them in the parts of Tuscany on the coast; and so that he might vomit forth in more deadly fashion the poison which had long gathered within him, by an act of sacrilegious daring he caused them to be captured; during their seizure some of the prelates and others were drowned, a number were killed, some were put to flight and pursued, and the rest were stripped of all their possessions, ignominiously led from place to place to the kingdom of Sicily, and there harshly imprisoned. Some of them, overcome by the filth and beset by hunger, perished miserably.

Furthermore, he has deservedly become suspect of heresy. For, after he had incurred the sentence of excommunication pronounced against him by the aforesaid John, bishop of Sabina, and cardinal Thomas; after the said pope Gregory had laid him under anathema; and after the capture of cardinals of the Roman church, prelates, clerics and others coming at different times to the apostolic see; he has despised and continues to despise the keys of the church, causing the sacred rites to be celebrated or rather, as far as in him lies, to be profaned; and he has consistently asserted, as said above, that he does not fear the condemnations of the aforesaid pope Gregory. Besides, he is joined in odious friendship with the Saracens; several times he has sent envoys and gifts to them, and receives the like from them in return with expressions of honour and welcome; he embraces their rites; he openly keeps them with him in his daily services; and, following their customs, he does not blush to appoint as guards, for his wives descended from royal stock, eunuchs whom it is seriously said he has had castrated. And what is more loathsome, when he was in the territory overseas¹, after he had made an agreement, or rather had come to a wicked understanding with the sultan, he allowed the name of Mahomet to be publicly proclaimed day and night in the Lord's temple. Recently, after the sultan of Babylon and his followers had brought serious loss and untold injury to the holy Land and its Christian inhabitants, he caused the envoys of the sultan to be honourably received and lavishly entertained throughout the kingdom of Sicily with, it is said, every mark of honour being paid to the sultan. Using the deadly and hateful service of other unbelievers against the faithful, and securing a bond by friendship and marriage with those who, wickedly making light of the apostolic see, have separated from the unity of the church, he brought about by assassins the death of the famous duke Ludwig of Bavaria², who was specially devoted to the Roman church, with disregard of the Christian religion, and he gave his daughter in marriage to Vatatzes³, that enemy of God and the church who, together with his counsellors and supporters, was solemnly separated by excommunication from the communion of the faithful.

Rejecting the customs and actions of Christian princes and heedless of salvation and reputation, he gives no attention to works of piety. Indeed to say nothing of his wicked acts of destruction, though he has learnt to oppress, he does not care mercifully to relieve the oppressed, and instead of holding out his

¹ In 1229. ² Ludwig I, duke of Bavaria (1183-1251).

³ John III Vatatzes, Greek emperor in the east (1222-1254).

ecclesiarum institerit et religiosas ac alias ecclesiasticas iugi attriverit afflictione personas; nec ecclesias nec monasteria nec hospitalia seu alia pia loca cernitur construxisse. Nonne igitur haec non levia, sed efficacia sunt argumenta de suspicione haeresis contra eum? cum tamen haereticorum vocabulo illos ius civile contineri asserat et latis adversus eos 5 sententiis debere succumbere, qui vel levi argumento a iudicio catholicae religionis et tramite detecti fuerint deviare. Praeter haec regnum Siciliae, quod est speciale patrimonium beari Petri et idem princeps ab apostolica sede tenebat in feudum, iam ad tantam in clericis et laicis exinanitionem servitutemque redegit, quod eis paene penitus nihil habentibus et omnibus exinde fere probis eiectis, illos qui remanserunt ibidem sub servili quasi conditione vivere ac Romanam ecclesiam, cuius principaliter sunt homines et vassalli, offendere multipliciter et hostiliter impugnare compellit. Posset etiam merito reprehendi, quod mille squifatorum annuam pensionem, in qua' pro eodem regno ipsi ecclesiae 15 Romanae tenetur, per novem annos et amplius solvere praetermisit. Nos itaque super praemissis et quam pluribus aliis eius nefandis excessibus cum fratribus nostris et sacro concilio deliberatione praehabita diligenti, cum lesu Christi vices licet immeriti teneamus in terris nobisque in beati Petri apostoli persona sit dictum: *quodeumque ligaveris super terram*¹ etc., 20 memoratum principem, qui se imperio et regnis omnique honore ac dignitate reddidit tam indignum, quique propter suas iniquitates a Deo ne regnet vel imperet est abiectus, suis ligatum peccatis et abiectum omnique honore ac dignitate privatum a Domino ostendimus, denuntiamus ac nihilominus sententiando privamus, omnes qui ei iuramento fidelitatis 25 tenentur adstricti, a iuramento huiusmodi perpetuob absolventes, auctoritate apostolica firmiter inhibendo, ne quisquam de cetero sibi tamquam imperatori vel regi pareat vel intendat, et decernendo quoslibet, qui deinceps ei velut imperatori aut regi consilium vel auxilium praestiterint seu favorem, ipso facto excommunicationis vinculo subiacere. Illi autem, 30 ad quos in eodem imperio imperatoris spectat electio, eligant libere successorem. De praefato verob Siciliae regno providere curabimus cum eorumdem fratrum nostrorum consilio, sicut viderimus expedire.²

Dat. Lugduni, XVI. Kal. augusti, pontificatus nostri anno tertio.

CONSTITUTIONES

I. De rescriptis*

35

Cum in multis iuris articulis infinitas reprobetur^a provide duximus statuendum, ut per generalem clausulam *Quidam alii*, quae frequenter in

a ipse *add*, *P* b *om*, *L*.

c In multis iuris articulis innumerositas et i litas reprobatur, et ideo *M* reprobatur *R*

¹ Mt 16,19. « Cf. Friedberg 2, 1008-1011. » c. 10/1 Ai, 1 *R*.

hand in charity, as befits a prince, he sets about the destruction of churches and crushes religious and other ecclesiastical persons by constant affliction. Nor is he seen to have built churches, monasteries, hospitals or other pious places. Surely these are not light but convincing proofs for suspecting him of heresy? The civil law declares that those are to be regarded as heretics, and ought to be subject to the sentences issued against them, who even on slight evidence are found to have strayed from the judgment and path of the catholic religion. Besides this the kingdom of Sicily, which is the special patrimony of blessed Peter and which Frederick held as a fief from the apostolic see, he has reduced to such a state of utter desolation and servitude, with regard to both clergy and laity, that these have practically nothing at all; and as nearly all upright people have been driven out, he has forced those who remain to live in an almost servile condition and to wrong in many ways and attack the Roman church, of which in the first place they are subjects and vassals. He could also be rightly blamed because for more than nine years he has failed to pay the annual pension of a thousand gold pieces, which he is bound to pay to the Roman church for this kingdom.

We therefore, after careful discussion with our brother cardinals and the sacred council on his wicked transgressions already mentioned and many more besides, since though unworthy we hold on earth the place of Jesus Christ, and to us in the person of the blessed apostle Peter has been said, *whatever you bind on earth*¹ etc., denounce the said prince, who has made himself so unworthy of the empire and kingdoms and every honour and dignity and who also, because of his crimes, has been cast out by God from kingdom and empire; we mark him out as bound by his sins, an outcast and deprived by our Lord of every honour and dignity; and we deprive him of them by our sentence. We absolve from their oath for ever all those who are bound to him by an oath of loyalty, firmly forbidding by our apostolic authority anyone in the future to obey or heed him as emperor or king, and decreeing that anyone who henceforth offers advice, help or favour to him as to an emperor or king, automatically incurs excommunication. Let those whose task it is to choose an emperor in the same empire, freely choose a successor to him. With regard to the aforesaid kingdom of Sicily, we shall take care to provide, with the counsel of our brother cardinals, as we see to be expedient.²

Given at Lyons on 17 July in the third year of our pontificate.

CONSTITUTIONS

I

*/. On rescripts**

Since in many articles of law failure to define their scope is blameworthy, after prudent consideration we decree that by the general clause “certain others”, which frequently occurs in papal letters, no more than three or four persons are

Mi 16, 19.

² See Friedberg 2, 1008-1011.

³ const. 10/1 *in M*, 1 *in R*.

litteris nostris* inseritur, ultra tres vel quatuor⁸ in iudicium non trahantur. Quorum nomina in primo citatorio exprimat impetrator, ne fraudi locus forsitan relinquatur, si circa ea possit libere variare.¹

2. De eodem*

1 Praesenti' decreto duximus providendum^f, ne a sede apostolica vel legatis[^] ipsius causae aliquibus committantur, nisi personis quae vel dignitate sint praeditae vel in ecclesiis cathedralibus seu aliis collegiatis honorabilibus* institutae^l*, nec alibi quam in civitatibus vel locis magnis et insignibus, ubi haberi valeat iuris copia peritorum, causae huiusmodi
10 agitentur. Iudicibus vero, qui contra hoc statutum ad alia loca alterutram partium citaverint^l vel utramque, non pareatur impune, nisi citatio de communi utriusqueTM partisTM processerit voluntate.³

Λ De eodem*

Dispendia litium aequitatis compendio volentes qua possumus industria coarctare, statutum felicitis recordationis Innocentii papae tertii super hoc editum ampliantes, decrevimus^{ll}, ut si quis contra alium plures personales movere voluerit quaestiones⁰, non ad diversos iudices sed ad[?] eosdem*! super omnibus huiusmodi' quaestionibus* litteras studeat impetrare. Qui vero contrarium fecerit, omni' commodo careat litterarum nec processus valeat habitus per easdem⁰, alias' si eum'' per ipsas* fatigaverit, in expensis legitimis condemnatur*. Reus quoque si eodem durante iudicio actorem sibi obnoxium dixerit reconventionis beneficio vel conventionis, si litteras contra eum impetrare maluerit, de iure suo debet* apud eosdem iudices experiri, nisi eos ut suspectos poterit*' recusare, simili poena si^{8b} contrafecerit, puniendus.⁵

4. De electione^l

Statuimus ut si quis electionem^{cc}, postulationem^{dd} vel provisionem factam^{0c} impugnat, in formam obiciens aliquid vel personam, et propter hoc ad nos appellari contingat, tam is qui^{ff} opponit quam qui defendit et
30 generaliter omnes quorum interest et quos causa contingit, per se vel per

* nostris litteris AK b diebus *add. Ai* c iudicio AU d Quorum . . . variare *om. Ai*
c Expediendis causarum negotiis obscuritas est invisita, personarum quoque claritas et locorum plurimum oportuna. Proinde praesenti *add. Ai*
i statuendum *RW* g a legatis l^l delegatis *RAf* h Sunt *Ai* fuerint *I*
35 i venerabilibus *Ai* * *ante* seu aliis *in I* constitutae *Ai*
l *po/t* loca *in V* m *om.* *UT ante* communi *in M*
n statuimus *Ai* o actiones *ante* movere *in l^l* p *ont. R* q unicos tantum *Ai*
' *om. M* *his add. I* » causis *M* t omnium *RV* u eosdem JF 'to *add MR*
* ipsum JF x ipsos *R om. jr* y condemnandus *MR* est legitimis condemnandus IF
40 i oporteat *ante* experiri *in M* » » poterat *R* bb qui *MI* ce Vel *y*
dd am. I ce dectiones, postulationes vel provisiones factas *M* ff se JF

ColL III, 1; c. 2 I *3* P7° (Fr 2, 938). » c 4 *M*, 2 *R*. . CoU III 2
c. 6 Ai, 8 Λ. » Coli III, 3; c. 3 I 3 *in VP* (Fr 2, 938-939). « c. 1 i *M*, *om. R*

to be brought to court. The petitioner should state the names in his first citation, lest by chance a place is left for fraud if the names can be freely altered^d?

2. *On the same*²

By¹ the present decree we ordain that the apostolic see or its legates should not entrust cases to any persons except those who possess a dignity or belong to cathedrals or other collegiate churches of high standing; and such cases are to be conducted only in cities or large and well-known places where are to be found many men learned in the law. Judges who, contrary to this statute, cite either one or both parties to other places may be disobeyed without penalty, unless the citation takes place with the consent of both parties?

3. *On the same*⁴

As we wish, to the best of our power, to curtail the expenses of lawsuits by shortening the legal process, extending the decree of Innocent III of happy memor^y' on this matter, we decree that if anyone wishes to bring several personal claims against another, he must be careful to gain letters on all these claims to the same judges and not to different ones. If anyone acts contrary to this, his letters and the processes initiated by them are to lack all validity; besides if he has caused inconvenience to the defendant by them, he is to be condemned to pay the legal expenses. Also if the defendant during the course of the same trial declares that he has a charge against the plaintiff, he ought, through benefit either of reconvention or of convention, if he prefers to obtain letters against him, to have his case tried before the same judges, unless he can reject them as being suspect. If he acts contrary to this, he should suffer the same penalty?

4. *On election*⁵

We decree that if anyone attacks an election, postulation or provision already made, bringing some objection to the form or the person, and should happen to appeal to us in this matter, both the objector and the defendant, and in general all those who are concerned and whom the case affects, either by themselves or by

^d The petitioner ... altered *omitted in M*.

^e In the conduct of cases uncertainty is insidious, and the renown of persons and places is very advantageous. Therefore by *added in M*.

¹ Coll. III, 1; ch. 2 I 3 *Sext* (Fr 2, 938). ² const. 4 *in M*, 2 *in R*. ³ Coll. HI, 2.

⁴ const. 6 *in M*, 8 *in R*. ⁵ Coll. III, 3; ch. 3 I 3 *Sext* (Fr 2, 938-939).

⁶ const. 11 *tn M*, *omitted in R*.

procuratores ad causam instructos ad sedem apostolicam a die obiectionis iter arripiant infra mensem. Sed* si pars aliquab non venerit post viginti dies, post adventum alterius partis expectata, in electionis negotio non obstante cuiusquam absentia, sicut de iure fuerit, procedetur. Haec autem in dignitatibus, personatibus et canonicis observari volumus et mandamus. Adicimus etiam ut qui non plene probaverit quod in forma opponitur, ad expensas quas propter hoc pars altera fecisse docuerit, condemnetur. Qui vero in probatione defecerit eius, quod in personam obicit», a beneficiis ecclesiasticis triennio noverit se suspensum; atque si infra illud tempus propria se temeritate ingesserit, tunc illis ipso iure perpetuo sit privatus, nullam super hoc de misericordia spem aut fiduciam habiturus, nisi manifestissimis constiterit documentis, quod ipsum a calumniae vitio causa probabilis et sufficiens excuset.²

5. De eodem³

In electionibus et postulationibus ac scrutiniis, ex quibus ius oritur eligendi, vota conditionalia, alternativa et incerta penitus reprobamus, statuentes ut huiusmodi votis pro non adiectis habitis, ex puris consensibus celebretur electio, voce illorum qui non pure consenserint ea vice in alios recidente^{0.4}

6. De officio et potestate iudicis delegati*

Statuimus ut conservatores, quos plerumque concedimus, a manifestis iniuriis et violentiis detendere possint quos eis committimus defendendos, nec ad alia quae iudicalem indaginem exigunt, suam valeant extendere potestatem.

7. De officio legati

Officii nostri debitum remediis invigilat subiectorum, quia dum eorum excutimus onera, dum scandala removemus, nos in ipsorum quiete quiescimus et fovemur in pace. Proinde praesenti decreto statuimus ut ecclesiae Romanae legati, quantumcumque plenam legationem obtineant, sive a nobis missi fuerint sive suarum ecclesiarum praetextu legationis sibi vendicent dignitatem, ex ipsius legationis munere conferendis beneficia nullam habeant potestatem, nisi hoc alicui specialiter duxerimus indul-

» et 07 b quae appellavit W c 0,, w d negotio electionis B7

e adidentes B7 - proponit Af g obidit in personam B7

b se noverit triennio B7 i temeritate se B7

k Cum actus legitimi dies et conditiones abhorreant sanctione legali et inter legitimos actus electio pontificum celeberrimus habeatur, cum per eam inter eligentes et electum spiritualis matrimonii foedera copulentur add. *li*

l seu ... vel M m Af a surgat Ai o voce < rCcidente om. M

P Statuentes ut si conservatores quos plerisque M q violentis *li* violentiis et iniuriis B7 40

r possint M l ecclesiastica add. U7 t

c. om. R. 1 ColL III, 4; c. 11 6 m VP (Fr 2, 945-946).

3c. 9AΛ3A 4 ColL III, 5; c. 2I 6//J P7° (Fr 2, 946). 1 c. 10/II AI 4 JL

• Coll. III, 9; c. 1 114 m P7° (Fr 2, 978). ' c. 13 M, am. R.

their procurators instructed for the case, should make their way to the apostolic see within a month of the lodging of the objection. But if one party⁶ does not come after twenty days, and the other party has arrived and is waiting, the case about the election may proceed according to law, notwithstanding the absence of anyone. We wish and command that this is to be observed in dignities, parsonages and canonries. We¹ also add that anyone who does not fully prove the objection he has brought regarding the form, shall be condemned to pay the expenses which the other party claims to have incurred on this account. But anyone who fails to prove his objection against the person, should know that he is suspended from ecclesiastical benefices for three years, and if within that time he continues to act with similar reckless conduct, that by the law itself he is deprived of these benefices for ever, and he is to have no hope or confidence of mercy in this matter, unless it is established by the clearest proof that a probable and sufficient cause excuses him from a malicious accusation.²

5. *On the samey*

Ink elections, postulations and ballots, from which the right of election arises, we completely disapprove of conditional, alternative and indefinite votes, and we decree that the said votes are to be held invalid, and that the election is to be determined by unconditional votes; for the power of decision of those who do not express a clear opinion is transferred to the others³.⁴

6. *On the office and power of a judge delegate⁵*

We decree that conservators, whom we frequently appoint, may defend from manifest injury and violence those whom we entrust to their protection, but that their power does not extend to other matters which require a judicial investigation.⁶

7. *On the office of a legate⁷*

We are required by our office to watch for remedies for our subjects, because while we relieve their burdens and remove their stumbling blocks, so we rest in their ease and enjoy their peace. Therefore we enact by the present decree that legates of the Roman church, however much they hold the full power of legates, whether they have been sent by us or claim the dignity of that office on behalf of their own churches, have no power from the office of legate of conferring benefices, unless we have judged that this is specially to be granted to a particular one. We do not, however, wish this restriction to hold with our brother

^b the party which appealed W

^k Since legitimate acts are not tied to particular days and conditions by a legal sanction, and among legitimate acts the election of bishops is most important, since by it the electors and the one elected are bound together by the ties of a spiritual marriage *added in At*

^o for ... others *omitted in Af*

¹ const. 12 *in At*, *omitted in R*. ² Coll. III, 4; ch. 1 I 6 *Sext* (Fr 2, 945-946).

³ const 9 *m At*, 3 *in R*. ⁴ Coll. III, 5; ch. 2 I 6 *Sext* (Fr 2, 946).

⁵ const. 10/11 *in Af*, 4 *in R*. ⁶ Coll. III, 9; ch. 1 I 14 *Sext* (Fr 2, 978).

⁷ const. 13 *in Af*, *omitted in R*.

gendum. Quod tamen in fratribus nostris legatione fungentibus nolumus observari, quia* sicut honoris praerogativa laetantur sic eos auctoritate fungi volumus ampliori.¹*

8. *De iudicris*³

5 Iuris esse ambiguum non videtur iudicem delegatum, qui a sede apostolica ad hoc mandatum non receperit speciale, iubere non posse, alterutram partium coram se personaliter in iudicio comparere, nisi causa fuerit criminalis vel⁴ nisie, pro veritate dicenda vel iuramento calumniae faciendo, iuris necessitas partes coram eo personaliter exegerit praesentari^{0.3}

10

9. *De litis contestatione**

Exceptionis peremptoriae seu defensionis cuiuslibet principalis cognitionem negotii[?] continentis ante litem contestatam obiectus, nisi de re iudicata vel transacta seu finita excipiat litigator, litis contestationem fieri* non impediat nec retardet, licet dicat obiector non fuisse rescriptum[^]
is obtentum, si quae sunt impetranti opposita, fuissent exposita deleganti^{ll.5}

10. *De restitutionis spoliatorum**

Frequens et assidua nos querela circumstrepit, quod spoliationis exceptio, nonnumquam in iudiciis calumniose proposita, causas ecclesiasticas impedit et perturbat. Dum enim exceptioni insistitur, appellationes
20 interponi contingit. Et sic intermittitur et plerumque perimitur causae cognitio principalis. Et propterea nos, qui voluntarios labores[?] appetimus, ut quietem aliis praeparemus, finem litibus cupientes imponi et calumniae materiam amputari, statuimus ut in civilibus negotiis spoliationis obiectione^k, quae ab alio quam ab^l actore facta proponitur, iudex in principali
25 procedere non postponat. Sed si in civilibus ab actore, in criminalibus autem se spoliatum reus^m asserat a quocumque, infra quindecim dierum spatium post diem in quo proponitur, quod asseruit⁰ comprobabit, alioquin in expensis quas actor interim ob hoc fecerit, iudiciali taxatione prae-
habita, condemnetur; alias, si aequum iudici visum fuerit⁰, puniendus,
so Illum autem spoliatum intelligi^p volumus in hoc casu, cum criminaliter accusatur, qui tota substantia sua^{ll} vel maiori parte ipsius per violentiam se destitutum affirmat. Et secundum hoc loqui canones sano credendum est intellectu, quia nec nudi contendere nec inermes[?] inimicis[?] opponere non debemus; habet enim spoliatus privilegium, ut non possit exui iam

a qui IF b ip[^] *M* c sive *M*

d partes sibi iusserit personaliter praesentari *M* c negotii cognitionem IF

f fieri *post* litis in *M* g rescriptum non fuisse Λ /IF h deleganti exposita IF

i labores voluntarios IF k obiectu IF l *om.* IF m reus spoliatum se IF'

n asserit IF θ sit *M* P *post* casu in IF A sua substantia IF

40 r *post* ipsius in IF 5 in errore inermes *Al*

¹ Coll. III, 10; c. 1 I 15 in (Fr 2,983-984); cf. Potthast 15121

¹ Λ τ 5 i* ? m' 12: c-1 II 1 « *VP* (Fr 2,995). « c. 3 *M*, 6 *R*.

ColLin, 14; c. 1 II 3 (Fr 2, 997-998). · c. 14 *M*, *om* *R*

cardinals while acting as legates, because just as they rejoice in a prerogative of honour, so we wish them to exercise a wider authority.¹

8. *On judgments*^{2*}

The law seems to be clear that a judge delegate, unless he has received a special concession for the purpose from the apostolic see, cannot order either of the parties to appear in person before him, unless it be a criminal case or, in order to obtain a statement of the truth or an oath regarding calumny, the necessity of the law demands that the parties appear before him?

9. *On the contestation of a lawsuit*^{*}

The objection of a peremptor}' exception or of any major defence concerning the trial of a case, raised before the contestation of the suit, shall not prevent or hold up the contestation, unless the objector makes an exception concerning a matter already judged or concluded or brought to a solution, even though the objector says that the rescript would not have been granted if the grantor had been aware of the things which are adverse to the plaintiff?

10. *On restitution after robbery*⁶

We are well aware of the frequent and persistent complaint that the exception of robbery, sometimes maliciously introduced in trials, hinders and confuses ecclesiastical cases. For while the exception is admitted, sometimes appeals are introduced. Thus the hearing of the chief case is interrupted and often comes to nothing. Thus we who are ever ready to take labours upon ourselves so that we may win peace for others, wishing to limit lawsuits and to remove material for malicious accusations, decree that in civil suits a judge is not to hold up the proceedings of the major issue on account of an objection of robbery brought by anyone except the plaintiff. But if the defendant declares in civil suits that he has been robbed by the plaintiff, or in criminal cases by anyone at all, then he must prove his assertion within fifteen days after the day on which the claim is put forward; otherwise he is to be condemned to pay the expenses which the plaintiff has incurred on this account, after a judicial estimate has been made, or let him be punished otherwise if the judge thinks right. By the word "robbed" we wish to be understood in this case a criminal accusation whereby someone declares that he has been stripped by violence of all his substance or a greater part of it. This we think is the only honest interpretation of the canons, for we ought not to meet our opponents either naked or without arms. For the one stripped has the advantage that he cannot be stripped again. Among the schoolmen the

¹ Coll. III, 10; ch. 1 I 15 *Sext* (Fr 2, 983-984); see Potthast 15121,

² const. 7 *in M*, 5 *in R*. ⁵ Coll. III, 12; ch. 1 II 1 *Sext* (Fr 2, 995).

¹ const. 3 *in M*, β *in R*.

⁶ Coll. III, 14; ch. 1 II 3 *Sext* (Fr 2, 997-998). ⁶ const. 14 *in M*, omitted *in R*.

nudatus. Solet autem inter scholasticos dubiuri, si spoliatus a tertio de spoliatorie* contra suum accusatorem excipiat, an ei tempus a indicé debeat indulged, infra quod restitutionem imploret; ne forte sic velit exsistere, ut omnem accusatorem^b eludat^b, quod satis aequitati consonum⁰ aestimamus. Et si infra tempus indultum restitutionem non petierit et » causam cum^d potuerit*¹ non perduxerit' ad finem, non obstante spoliationis exceptione, deinceps poterit accusari. Ad haec sancimus^f ut rerum privatarum spoliatio[^] agenti super ecclesiasticis vel e contrario nullatenus apponatur^{0.1}

Zl. De Mo ei conieatacùl.

10

Actor qui venire ad terminum ad quem citari* adversarium fecerat non curavit*, venienti reo in expensis propter hoc factis legitime' condemnatur, ad citationem aliam^m, nisi sufficienter caveat" quod in termino compareat⁰, minime? admittendus.^{3*}

*f2. De eo qui mittitur in possessionem⁰.**

15

Eum qui super dignitate, personatu vel beneficio ecclesiastico obtinendis, cum^r alio litigat possessore, ob partis adversae contumaciam, causa rei servandae in ipsorum⁵ possessionem statuimus non mittendum, ne per hoc ad ea ingressus' patere valeat vitiosus, sed liceat in hoc casu contumacis absentiam, divina replente praesentia, etiam lite non con- 20 testata, diligenter examinato negotio, ipsum fine debito terminare.⁵

*13. De confessis**

Statuimus ut positiones negativas, quae probari non possunt nisi per confessionem adversarii, iudices admittere possint, si aequitate suadente viderint expedire.⁷

24

14. De excepticnibn[^]

Pia consideratione^{ll} statuit^v mater ecclesia, quod maioris excommunicationis exceptio, in quacumque parte iudiciorum opposita, lites differat et repellat agentes, ut ex hoc magis censura ecclesiastica timeatur^w, et^x communionis periculum evitetur?, contumaciae vitium reprimatur² et 30 excommunicati, dum a communibus actibus excluduntur, rubore suffusi,

a sua *add.* B7 b accusationem elidat B7

c consonum aequitati IT d *post* perduxerit in *V* e *perducat* *M*

i ad hoc statuimus *M* g exspoliatio *M* h opponatur *Ai*

» *post* adversarium in *Af* k curaverit *Af* l legitime factis B7

m *bic* minime admittendus *coli. Ai* n caverit *Af* o debeat fideliter comparere *Af*

P sit minime *R* q causa rei *vmnAiA* nr

r contra alium ... possessorem B7 5 ipsius *Af* * ingressus ad ea B7

u miseratione B7 v sancta *f* w censura magis timeatur ecclesiastica B7

om. *Af* y evitetur periculum B7 2 reprimatur vitium B7

40

1 *Coli.ΓΠ*, 15; c.1 *Π* 5 in *VF* (Fr 2,999).

' *Coll.III*, 16; c.1 *Π* 6 in *VF* (Fr 2 1000)

4 *Coll.III*, 17; c.1 *Π* 7 in *VF* (Fr 2, 1000X

7 *Coll.III*, 18; c.1 *Π* 9 m *VF* (Fr 2,1001).

1 c. 5 *Af*, 7 *R*.

4 c. 2 *Af*, 9 *R*.

• c. 8 *Af*, 10 *R*.

* c. 15 *Af*, om. *R*.

matter is debated, whether one who has been robbed by a third party can bring an exception against his accuser, or whether a time should be granted him by the judge within which he should ask for restitution, lest perchance he should wish to continue in this state in order to evade every accuser, and this we think is fully according to justice. If he does not seek restitution within the time granted, or does not bring his case to a conclusion even though he could do so, then he can be accused regardless of the exception of robbery. In addition to this we decree that robbery¹ of private goods cannot in any way be brought up against one acting for ecclesiastics or vice versa.¹

/1. On fraud and contumacy²

A plaintiff who does not take the trouble to come on the date for which he has caused his appeal to be cited, should be condemned on his arrival to pay the expenses incurred by the defendant on account of this, and he is not to be admitted to another citation unless he gives a sufficient surety that he will appear on the date?

/2. On the person who is admitted to possession⁴

We decree that a person who, in order to obtain a dignity, parsonage or ecclesiastical benefice, brings a suit against the possessor, may not be admitted to possession of it for the sake of its preservation, on the grounds of the other's contumacy; this is to prevent his entering upon it from appearing irregular. But in this case the divine presence may make up for the absence of the contumacious one, so that though the suit is not opposed, the matter may be brought to the proper conclusion after a careful examination?

*13. On confessions⁵**

We decree that negative assertions, which can only be proved by the admission of the opponent, may be accepted by the judges if they see this to be expedient in the interests of equity/

*14. On exceptions⁶**

After due consideration our holy mother the church decrees that the exception of a major excommunication should hold up the suit and delay the agents, in whatever part of the proceedings it is produced. Thus ecclesiastical censure will be the more feared, the danger of communion avoided, the vice of contumacy checked, and those excommunicated, while they are excluded from the acts of the community, may the more easily be brought, through a sense of shame, to

¹ Coll. III, 15; ch. 1 ¶ 5 Sext (Fr 2, 999).

- const. 5 in M, 7 in R.

² Coll. HI, 16; ch. 1 II 6 Sext (Fr 2, 1000).

⁴ const. 2 in A!, 9 in R,

Coll. III, 17; ch. 1 II 7 Sext (Fr 2, 1000).

^b const. 8 in Af, 10 in R.

⁷ Coll. III. 18; ch. 1 II 9 Sext (Fr 2, 1001).

⁸ const. 15 in Af, omitted in R.

ad humilitatis gratiam et reconciliationis effectum facilius inclinentur⁴. Sed hominum succrescente malitia, quod provisum est ad remedium, transit⁵ ad noxasc. Dum enim in causis ecclesiasticis frequentius haec^d exceptio per^{*} malitiam^{*} opponatur^f, contingit differri negotia et partes fatigari laboribus et expensis. Proinde quia morbus iste quasi communis irrepsit, dignum duximus communem[?] adhibere medelam. Si quis igitur excommunicationem opponat, speciem ipsius et nomen excommunicatoris exponat^{ll}, sciturus eam rem se deferre^{*} in publicam notionem, quam infra octo dierum spatium, die in quo proponitur minime computato, probare valeat apertissimis documentis. Quod si non probaverit, iudex^k in causa procedere non omittat, reum in expensis, quas actor ob hoc diebus illis se fecisset docuerit, praehabita taxatione condemnans. Si vero postmodum instantia durante iudicii et probandi copia succedenteTM, de eadem excommunicatione vel alia excipiat^r iterum et probetur, actor in sequentibus excludatur, donec meruerit absolutionis gratiam^{ll} obtinere, his quae praecesserunt nihilominus in suo robore duraturis. Proviso ut ultra duas vices non haec^o proponatur exceptio, praeterquam si excommunicatio nova emergerit vel evidens et prompta probatio supervenerit de antiqua. Sed si post rem iudicatam talis exceptio proponatur, executionem["] impediet, sed sententia^P quae praecessit^{*} non minus robur debitum^{*} obtinebit, eo tamen salvo ut, si actor excommunicatus sit publice et hoc iudex noverit quandocumque, etsi de' hoc reus non excipiat, iudex actorem ex suo officio repellere non postponat^{ll.l}.

75. *De sententia ei re indicati*

25 Cum aeterni principis^{*} tribunal illum reum non habeat, quem iniuste iudex^w condemnat, testante propheta^l: *Nec damnabit eum cum indicabitur i//i3*, caveant ecclesiastici iudices et prudenter attendant ut in causarum processibus nihil vendicet odium, nihil vel' favor usurpet, timor exsulet, praemium aut expectatio praemii iustitiam[?] non evertat². Sed stateram
m gestent⁴⁴ in manibus^{*}, lances appendant aequo libramine, ut in omnibus quae in causis agenda fuerint, praesertim in concipiendis sententiis et ferendis, prae oculis habeant solum Deum^{bb}, illius imitantes exemplum, qui querelas populi^{**} tabernaculum ingressus ad Dominum referebat, ut secundum eius imperium iudicaret⁵. Si quis autem iudex ecclesiasticus
35 ordinarius au[^] delegatus, famae^{**} prodigus et proprii persecutor hono-

inducuntur IF b tendit **M** c noxam IF d haec frequentius *Ni*
e om. **V** opponitur **II** apponatur *Ni* g post medelam in IF b exprimat *NIV*
i deferri *NI* k extunc add. *Ni* l se fecisse diebus illis IF m subséquente IF
n gratiam absolutionis **MI**. o om. *I ante exceptio in M* p cm. [
40 q excusationem *Ni* r praecesserit **M** s debitum robur IF t om. *Ni*
u postponet IF v iudicis (*post tribunal in AI*) *NiW* w indicat vel add. IF
et dicente add. *Ni* Y indicium IF z subvertat IF aa gerant 3/
bb ante habeant in **IT** cc hominum IF dd seu etiam **M** ce *SU3- Ai v*

: *?, .21 ' 1 '' 12 '' V '° 2. 10M - TM 5>. ■ c. 16 *M*. *R*
Ps 36.33. Cf. Ap 6, 5. · Cf. Ex 33,7-10; Nm 17.10.

the grace of humility and reconciliation. But with the growth of human evil what was provided as a remedy has turned to harm. For while in ecclesiastical cases this exception is frequently brought up through malice, it happens that business is delayed and the parties worn out by toil and expense. Therefore, since this has crept in like a general plague, we think it right to apply a general remedy. Thus if anyone brings up the objection of excommunication, he should set out the kind of excommunication and the name of the person who imposed the penalty. He must know that he is bringing the matter into public notice, and he must prove it with the clearest evidence within eight days, not counting the day on which he brings it forward. If he does not prove it, the judge should not fail to proceed in the case, condemning the accused to repay the sum which the plaintiff shows he has incurred, after an estimate has been made. If however later, while the hearing continues and the proof is progressing, an exception is made either with regard to the same excommunication or another and is proved, the plaintiff is to be excluded from the proceedings until he has deserved to gain the grace of absolution, and all that has gone before shall nevertheless be regarded as valid; provided that this exception is not put forward more than twice, unless a new excommunication has arisen or a clear and ready proof has come to light concerning the old. If such an exception is brought forward after the case has been decided, though it will prevent the execution it will not weaken the verdict, with the qualification that, if the plaintiff has been publicly excommunicated, and the judge knows this at any time, then even if the accused shall not make an exception on this score, the judge should not delay in removing the plaintiff from his office.¹

15. *On the verdict and judgment*²

Since before the judgment seat of the eternal king a person will not be held guilty when a judge unjustly condemns him, according to the words of the prophet, *the Lord will not condemn him when he is judged*³, ecclesiastical judges must take care and be on the watch that in the process of justice dislike has no power, favour does not take an undue place, fear is banished, and reward or hope of reward does not overturn justice. Let them bear the scales in their hands⁴ and weigh with an equal balance, so that in all that is done in the court, especially in forming and giving the verdict, they may have God only before their eyes, following the example of him who when entering the tabernacle referred the complaints of the people to the Lord to judge according to his command⁵. If any ecclesiastical judge, whether ordinary or delegated, careless of his reputation and seeking his own honour, acts against his conscience and justice in any way to

¹ Coll. III, 21; ch. 1 II 12 Sext (Fr 2, 1004-1005). ² const. 16 in *M*, omitted in *R*.

³ Ps 36, 33. ⁴ I Sec Ap 6, 5. ⁵ See Ex 33, 7-10; Nm 17, 10.

ris, contra conscientiam et contra iustitiam in gravamen partis alterius in iudicio quicquam fecerit per gratiam vel per sordes, ab executione officii per annum noverit se suspensum, ad aestimationem litis parti quam laeserit nihilominus condemnandus, sciturus quod si suspensione durante damnabiliter ingesserit se* divinis, irregularitatis laqueo se involvet^{bl} 5 secundum ca' "eas sanctiones, a quo non nisi per sedem poterit apostolicam^{clib^r} salvis aliis constitutionibus, quae iudicibus male iudicantibus poenas gerunt[®] et infligunt. Dignum est etenim^f ut qui in tot praesumit» offendere, poena multiplici castigetur.³

16. *Dt apptllation&Hi**

16

Cordi nobis est lites minuere et a laboribus relevare subiectos. Sancimus igitur ut, si quis in iudicio vel extra super interlocutoria vel gravamine ad nos duxerit appellandum, causam appellationis in scriptis assignare deproperet, petens^h apostolos quos ei praecipimus exhiberi. In quibus appellationis causam iudex exprimat et cur* appellatio non sit admissa is vel si appellationi forsitan ex superioris reverentia sit delatum^{l®}. Post haec^l appellatori secundum locorum distantiam, personarum^l et negotii qualitatem tempore prosecutionis induito, si appellatus^l voluerit et^o principales petierint? per se vel[^] per procuratores instructos, cum mandato ad agendum[®], rationibus et munimentis ad causam spectantibus, accedant* ad st^{fdem} apostolicam sic parati ut, si nobis visum fuerit expedire, finito appellationis articulo vel partium voluntati comisso', procedatur^l in negotio principali quantum poterit et de iure debebit', his quae in appellationibus a definitivis sententiis interpositis antiquitas statuit, non mutatis. Quod si appellator quae praemissa sunt non observet, reputabitur non 25 appellans et ad prioris iudicis redibit examen, in expensis legitimis condemnandus. Si autem appellatus contempserit hoc statutum, in eum tamquam' contumacem, tam in expensis quam in causa, quantum ax iure permittitur^T, procedatur². Iustum est equidem, ut in eum iura consurgant^{2l} qui ius iudicem et partem^{bb} eludit^{®®}.⁴ * M

17. *De eodem**

Legitima suspicionis causa contra iudicem assignata et arbitris a partibus secundum formam iuris^{dd} electis, qui de ipsa cognoscant, saepe con

se ingesserit IF b involvetur *M* c apostolicam poterit *MV*
congerunt AfIF f enim IF g praesumpserit *Ai*
h petat *Ai* i cum *Ai* k relatum *I* l hoc A/IF m om. *M*
appellatus vel appellator IF appellans *M* o om. *I*
P petierit principales inducias personae IF petierint om. *I* A et *Ai*
post munimentis in *II* t voluntate omissa *M* obstaculo de partium voluntate IF
procedant *Af* T de iure poterit et debebit IF w
y permittetur IF z procedetur *AiW* insurgant IF bb adversam add. IF
CC didit *Ai* dd iuris formam IF

40

Cf. Pro 29. 6. 1 Coll. III, 22; c. 1 II 14 in *VF* (Fr 2,1007). 3 c. 17 *M*, om. *R*.
Coll. III, 25; c. 1 II 15 in *VP* (Fr 2,1014-1015). » α 11 Λ, om. *Af*.

the injury of one party in his judgment, whether from favour or from base motives, let him know that he is suspended from the exercise of his office for a year and he is to be condemned to pay to the injured party the damages incurred; further, let him know that if during the period of his suspension he sacrilegiously takes part in the sacred rites of the church, he is caught in the noose of irregularity¹ according to the canonical sanctions, from which he can be freed only by the apostolic see, saving the other constitutions which assign and inflict punishment on judges who give dishonest judgment. For it is right that he who dares to offend in so many ways should suffer a multiple penalty.²

16. *On appeals**

It is our earnest wish to lessen lawsuits and to relieve subjects of their troubles. Therefore we decree that if anyone thinks that he should appeal to us in a court of law or outside it because of an interlocutory decree or a grievance, let him at once put in writing the reason for his appeal, seeking a writ which we order to be granted him. In this writ the judge is to declare the reason for the appeal, and why the appeal has not been granted or whether it was granted out of respect for a superior. After this let time be granted to the appellant, according to distance and the nature of the persons and the business, to follow up his appeal. If the appellee wishes it and the principals petition for it, let them approach the apostolic see, either by themselves or through agents who have been instructed and given a commission to act, bringing with them the reasons and documents relating to the case. Let them come so prepared that if it seems good to us, when the matter of the appeal has been dealt with or committed to the parties for agreement, the principal case may proceed, insofar as it can and should by law; without however any change in what tradition has ordained about appeals from definitive sentences. If the appellant does not observe the above provisions, he is not to be reckoned an appellant and he must return to the examination of the former judge, and is to be condemned to pay the legitimate expenses. If the appellee disregards this statute, he shall be proceeded against as contumacious, as regards both the costs and the case, in so far as this is allowed by the law. Indeed it is right that the laws should raise their hands against someone who mocks the law, judge and litigant.⁴

17. *On the same³*

When reasonable grounds for suspicion have been noted against a judge, and arbitrators have been chosen by the parties according to the form of law to investigate it, it often happens that when the two arbitrators fail to agree and do

¹ See Pro 29, 6. ² Coll. III, 22; ch. 1 II 14 Sexi (Fr 2, 1007).

⁵ const. 17 *in M*, omitted in *R*.

⁴ Coll. III, 25; const. 1 II 15 Scxt (Fr 2, 1014-1015). ⁵ const. 11 *in R*, omitted in *Af*.

tingit, quod ipsis in idem convenire* nolentibus nec tertium advocanti-
 bus, cum quo ambo vel alter eorum*⁵ procedant ad decisionem ipsius
 negotii, ut tenentur, iudex proterat excommunicationis sententiam contra
 eos, quam ipsi tum propter odium tum propter favorem' diutius vilipen-
 & dunt. Quare causa ipsa plus'* debito prorogata non proceditur ad cogni-
 tionem negotii principalis'. Volentes igitur morbo huiusmodi necessa-
 riam adhibere medelam, statuimus ut ipsis arbitris per iudicem competens
 terminus* praefigatur, infra quem in idem convenient vel tertium con-
 corditer advocent, cum quo ambo vel alter ipsorum eiusdem suspicionis
 10 negotium terminare procurent. Alioquin iudex extunc in principali nego-
 tio procedere non omittat.¹

18. *Dt bomitidu'*

Pro humani redemptione generis de summis coelorum ad ima mundi
 descendens et mortem tandem subiens temporalem, Dei filius Iesus Chri-
 is stus^R, ne gregem sui pretio sanguinis gloriosi redemptum, ascensurus
 post resurrectionem*¹ ad Patrem, absque pastore desereret, ipsius curam
 beato Petro apostolo, ut suae stabilitate fidei ceteros in Christiana religione
 firmaret eorumque mentes ad salutis suae opera* accenderet devotionis
 ardore, commisit³. Unde nos eiusdem apostoli effecti disponente Domino
 « licet immeriti successores et ipsius Redemptoris locum in terris quam-
 quam indigne tenentes, circa gregis eiusdem custodiam sollicitis exci-
 tari vigiliis et animarum saluti iugis accensione cogitationis intendere,
 submovendo noxia et agendo profutura debemus ut, excusso a nobis
 negligentiae somno nostrique cordis oculis diligentia* sedula vigilantibus,
 is animas ipsas Deo lucrifacere sua nobis coopérante gratia valeamus.
 Cum igitur illi qui sic horrenda inhumanitate detestandaque saevitia mor-
 tem sitiunt aliorum, ut ipsos faciant per assassinos occidi, non solum
 corporum sed mortem procurent etiam* animarum, nisi eas exuberans
 gratia divina praevenierit, ut sint armis spiritualibus praemuniti, ac omnis
 μ potestas tribuatur a Domino ad iustitiam rectumque iudicium exercendum,
 nos tanto periculo volentes occurrere animarum et tam nefarios prae-
 sumptores® ecclesiasticae" animadversionis mucrone ferire, ut metus
 poenae meta huiusmodi praesumptionis exsistat, praesertim cum non-
 nulli magnates, taliter perimi formidantes, coacti fuerint securitatem ab
 35 eorundem⁰ assassinorum domino impetrare sicque ab eo non absque
 christianae dignitatis opprobrio redimere quodammodo vitam suam,
 sacri concilii^P approbatione statuimus, ut quicumque princeps, praelatus
 seu quaelibet*[!] alia ecclesiastica seu saecularis persona quempiam christia-

I om. R *b ipsorum R* *c partium add. RÜ?*

40 *d plus ipsa IF* *e principalis negotii IF* *f terminus competens R*

S Christus Iesus IF *h redemptionem Z* *i opera suae IF* *k diligentia oculis IF*

l post sed ir. IP *m nefarias praesumptiones IF* *n ow. IF* *o eodem IF*

P approbatione concilii IF *q quaevis IF*

¹ Coll. III, 26; c. 2 II 15 *in W* » (Fr 2,1015). * c. 22 IF, *om. MR.* » Cf. Io 21,15-17.

not summon a third one, with whom both or one of them can proceed to settle the matter as they are obliged, the judge brings a sentence of excommunication against them, which they through dislike or favour for long disregard. Thus the case itself, interrupted more than it should be, does not proceed to a settlement of the principal business. As it is our wish therefore to apply a necessary remedy for a disease of this nature, we decree that a fitting time-limit should be fixed by the judge for the two arbitrators, so that within it they may either agree or by consent summon a third one, with whom both or one of them may put an end to the suspicion. Otherwise the judge thenceforth shall proceed in the principal business.¹

J8. On homicide²

The son of God, Jesus Christ, for the redemption of the human race descended from the height of heaven to the lowest part of the world and underwent a temporal death. But when after his resurrection he was about to ascend to his Father, that he might not leave the flock redeemed by his glorious blood without a shepherd, he entrusted its care to the blessed apostle Peter, so that by the firmness of his own faith he might strengthen others in the Christian religion and kindle their minds with the ardour of devotion to the works of their salvation³. Hence we who by the will of our Lord, though without merit of our own, have been made successors of this apostle and hold on earth, though unworthy, the place of our Redeemer, should always be careful and vigilant in the guarding of that flock and be forced to direct our thoughts continuously to the salvation of souls by removing what is harmful and doing what is profitable. Thus casting off the sleep of negligence and with the eyes of our heart ever vigilant, we may be able to win souls to God with the cooperation of his grace. Since therefore there are people who with a terrible inhumanity and loathsome cruelty thirst for the death of others and cause them to be killed by assassins, and thus bring about not only the death of the body but also of the soul, unless the abundant divine grace prevents it, we wish to meet such danger to souls, so that the victims may be defended beforehand by spiritual arms and all power may be bestowed by God for justice and the exercise of right judgment, and to strike those wicked and reckless people with the sword of ecclesiastical punishment, so that the fear of punishment may set a limit to their audacity. We do so especially since some persons of high standing, fearing to be killed in such a way, are forced to beg for their own safety from the master of these assassins, and thus so to speak to redeem their life in a way that is an insult to Christian dignity. Therefore, with the approval of the sacred council, we decree that if any prince, prelate or any ecclesiastical or secular person shall cause the death of any Christian by such

¹ Coll. IΠ, 26; ch. 2 II 15 *Sext* (Fr 2, 1015).

² const. 22 *in W*, omitted in *MR*. ³ See Jn 21, 15-17.

norum per praedictos assassinos interfici fecerit vel etiam mandaverit quamquam mors ex hoc forsitan non prosequatur* — aut eosb receptaverit vel defenderit seu occultaverit, excommunicationis et depositionis a dignitate, honore, ordine, officio et beneficio^c incurrat sententias ipso facto, et ista libere aliis per illos, ad quos illorum collatio pertinet, conferantur. Sit etiam cum suis bonis mundanis omnibus tamquam Christianae religionis aemulus a toto christiano populo perpetuo^d diffidatus, et postquam probabilibus constiterit documentis^e aliquod* scelus tam execrabile commisisse, nullatenus alia excommunicationis vel depositionis seu diffidationis adversus eum sententia requiratur.¹* i°

19. De sententia excommunicationis*

Cum medicinalis sit excommunicatio non mortalis, disciplinans non eradicans, dum tamen is in quem lata fuerit non contemnat, caute provideat iudex ecclesiasticus, ut in ea ferenda^f ostendat se prosequi quod corrigentis est^h et medentisⁱ. Quisquis ergo^k excommunicat, in scriptis^l proferat* et causam expresse conscribat, propter quam excommunicatio proferatur. Exemplum vero scripturae huiusmodi^m teneatur excommunicato tradereⁿ infra mensem post diem sententiae, si fuerit requisitus. Super qua requisitione fieri volumus publicum instrumentum vel literas testimoniales confici sigillo authentico consignatas. Si quis autem iudicum huiusmodi^o constitutionis temerarius violator exsistat^p, per mensem unum ab ingressu ecclesiae et divinis noverit se suspensum. Superior vero ad quem recurritur, sententiam ipsam sine difficultate relaxans, latorem excommunicationis ad expensas et omne^q interesse condemnet vel alias* puniat animadversione condigna, ut poena docente^r discant iudices^s quam grave sit excommunicationis^t sententias sine maturitate debita fulminare. Et haec eadem^u in suspensionis et interdicti sententiis^v volumus observari. Caveant autem ecclesiarum praelati et iudices universi ne praedictam suspensionis poenam incurrant. Quod^w si contigerit eos* divina officia prosequi* sicut prius, irregularitatem non effugiant^x iuxta^y canonicas sanctiones, super qua nonnisi per summum pontificem poterit dispensari.³

20. De todnâ

Solet^{bb} a nonnullis in dubium revocari, an cum aliquis per superiorem absolvi postulat ad cautelam, dum in se latam excommunicationis senten-

sequatur B7 b 0TA c beneficio officio B7 d om. B7 argumentis B7
 post execrabile in B" ? proferenda B7 h p^ht medentis in I emendantis etiam I
 k enim I l sententiam add. B7 m huiusmodi scripturae B7 n tradendum At
 o huius Ai p exstiterit B7 q omnes et At r ont. B7 et M • aliter B7
 condocente B7 u excommunicationum MW * etiam add. At sententias AtW 40
 quoniam A/B" I sic suspensos add. Atii7 2 exequi Af exprosequi B7
 effugient AfB7 bb autem add. B7

1 Coli. III, 31 ; c. 1 V 4 in VP (Fr 2,1080). « c. 18 AfB7 cm. R,

° Coli. IU, 35; c. 1 V 11 in VF (Fr 2,1093-1094). ‘ c. 19 Af87 A

assassins, or even command it — even though death does not follow from this — or receives, defends or hides such persons, he automatically incurs the sentence of excommunication and of deposition from dignity, honour, order, office and benefice, and these are to be conferred on others by those who have the right to do so. Let such a one with all his worldly goods be cast out for ever by all Christian people as an enemy of religion, and after it has been established by reasonable evidence that so loathsome a crime has been committed, no other sentence of excommunication, deposition or rejection shall in any way be needed.'

19. *On the sentence of excommunication²*

Since the aim of excommunication is healing and not death, correction and not destruction, as long as the one against whom it is pronounced does not treat it with contempt, let an ecclesiastical judge proceed with caution, so that in pronouncing it he may be seen as one who acts with a correcting and healing hand. Whoever pronounces an excommunication, therefore, should do this in writing and should write down expressly the reason why the excommunication was pronounced. He is bound to hand over a copy of this written document to the one excommunicated within a month after the date of sentence, if requested to do so. As to this request, we wish a public document to be drawn up or testimonial letters to be furnished, sealed with an official seal. If any judge rashly violates this constitution, let him know that he is suspended for one month from entering a church or attending divine services. The superior to whom the one excommunicated has recourse, should readily remove the excommunication and condemn the judge who pronounced it to repay the expenses and all losses, or punish him in other ways with a fitting penalty, so that judges may learn by the lesson of punishment how serious it is to hurl the bolt of excommunication without due consideration. We wish the same to be observed in sentences of suspension and interdict. Let prelates of churches and all judges take care that they do not incur the foresaid penalty of suspension. But if it happens that they take part in divine offices as before, they will not escape irregularity' according to the canonical sanctions, in a matter where dispensation cannot be granted except by the sovereign pontiff.³

20. *On the same**

The question is sometimes asked whether, when a person who asks to be absolved by a superior by way of precaution, asserting that the sentence of excommunication pronounced against him is void, the act of absolution should

¹ Coll. III, 31; ch. 1 V 4 *Sext* (Fr 2, 1080). ² const. 18 *in MW*, omitted in *R*.

³ Coll. III, 35; ch. 1 V 11 *Sext* (Fr 2, 1093-1094). ⁴ const. 19 *in MW*, omitted in *R*.

dam asserit esse nullam, sine contradictionis obstaculo munus ei debeat
absolutionis impendi et an* ante absolutionem huiusmodi qui se offert,
in iudicio probaturum se post appellationem légitimant excommunica-
tione innodatum⁴*, vel intolerabilem errorem in sententia fuisse patenter
5 expressum, sit in ceteris excepto probationis illius articulo evitandus. In
prima igitur dubitatione sic statuimus observandum, ut petenti absolutio
non negetur, quamvis in hoc excommunicator vel adversarius se opponat,
nisi eum excommunicatum pro manifesta dicat offensa, in quo casu ter-
minus' octo dierum indulgebatur sic dicenti; ut si probaverit quod
io opponit, nec relaxetur sententia, nisi prius sufficiens praestetur emenda
vel competens cautio de« parendo, si offensa dubia proponatur. In se-
cunda vero quaestione*¹ statuimus ut*, is qui ad probandum admittitur,
pendente probationis articulo in ceteris, quae ut actor in iudiciis* accep-
taverit, interim evitetur, extra iudicium vero, in officiis, postulationibus
is et electionibus et aliis legitimis actibus nihilominus admittatur.¹

21. De eadem*

StatuimusTM, ut nullus iudicum participantes cum excommunicatis ab
eon in locutione et aliis, quibus ligatur participans excommunicatione
minori, ante commonitionem canonicam excommunicare maiori* prae-
io sumat, salvo constitutionibus contra illos legitime promulgatis, qui in
crimine⁰ praesumunt participare? damnato. Quod si ex locutione et aliis,
quibusq; participans labitur in minorem, excommunicatus fortius indu-
rescat*², poterit iudex post commonitionem canonicam huiusmodi par-
ticipantes¹ consimili damnare censura. Aliter autem in participantes ex-
is communicatio prolata* non teneat et proferentes poenam legitimam pote-
runt formidare.³

22. De eodem⁴

Quia periculosum est episcopis et eorum superioribus propter execu-
tionem pontificalis officii, quod frequenter incumbit, ut in aliquo casu
30 interdicti vel suspensionis incurrant sententiam ipso facto, nos delibera-
tione provida duximus statuendum, ut episcopi et alii superiores praelati

om. *M* ° is add. IF c in add, *Ai* d notatum *AiU*?
tantummodo add. *Ai* r indulgetur octo dierum terminus IF
g iuri add. *Ai* h ric add. *Ai* i si add. IF k etiam *Ai* l iudicio IF
35 m Ecclesiastica censura iudices damnabiliter abutuntur, cum de matris ecclesiae gracio
ex alterius culpa indiscrete per eam attemptent evellere innocentes, ex qua illicite notatus
non laeditur, sed errante clavi converti dicitur in damnantem. Volentes igitur insolentiae
talium obviare, constitutionem praesenti decreto sancimus add. *Ai*
n iudicum nullus excommunicato ab eodem participantes *Ai*
40 ° scelere *Ai* p communicare IF q excommunicato add. *Ai*
r excommunicaturus... indurescat] notati maioris divina invaserit contemnendo, ut facilius
revocetur ad absolutionis beneficium, satisfactione praemissa, misericorditer obtinendum *Ai*
• eidem add. *AiW*

¹ Coli. DI, 36; c. 2 V 11 in *VP* (Fr 2» 1094).

• Coli. III, 37; c. 3 V 11 in *VP* (Fr 2,1094).

¹ c. 1 *Ait* 12 *R*, 20 IF.

⁴ c. 21 IF, om. *AiR*.

be performed for him without objection; and whether one who declares before such absolution that he will prove in a court of law that he was excommunicated after a legitimate appeal, or that an intolerable mistake was clearly expressed in the sentence, should be avoided in all things except in what concerns the proof. To the first question we decree that the following is to be observed: absolution is not to be refused to the petitioner, even though the pronouncer of the sentence or the adversary opposes it, unless he says that the petitioner was excommunicated for a manifest offence, in which case a limit of eight days is to be granted to the one saying this. If he proves his objection, the sentence is not to be set aside unless there is sufficient guarantee of amendment or an adequate assurance that the petitioner will appear in court if the offence with which he is charged is still doubtful. To the second question, we decree that he who is allowed to submit a proof, as long as the matter of proof is in dispute, is to be avoided in all matters in the court in which he is engaged as an agent, but outside the court he may take part in offices, postulations, elections and other lawful acts.¹

21. *On the same*²

We decree³ that no judge should presume to pronounce, before a canonical warning, a sentence of major excommunication upon persons who associate, in speech or other ways by which an associate incurs a minor excommunication, with persons already excommunicated by the judge; saving those decrees which have legitimately been promulgated against those who presume to associate with one condemned for grievous crime. But if the excommunicated person becomes hardened in speech or other ways by which an associate incurs a minor excommunication, the judge can, after canonical warning, condemn such associates with a similar censure. Otherwise excommunication pronounced against these associates is not to have any binding power, and those who pronounce it may fear the penalty of the law?

22. *On the same*⁴

Since there is danger that bishops and their superiors in the execution of their pontifical office, which is often their duty, may incur in some case an automatic sentence of interdict or suspension, we have thought it right, after careful consideration, to decree that bishops and other higher prelates in no way incur,

m Judges damnably abuse an ecclesiastical censure when they use it rashly to try to expel innocent persons from the bosom of mother church on account of someone else's fault; thereby the persons illegally named are not harmed, and the censure is said to fall on the issuer on account of his misuse of the keys. Wishing to prevent such rashness we ordain by this decree *added in M*

¹ Coll. III, 36; ch. 2 V 11 *Sext* (Fr 2, 1094). ² const. 1 *in Af*, 12 *in A*, 20 *in W*.
 Coll. III, 37; ch. 3 V 11 *Sext* (Fr 2, 1094). ⁴ const. 21 *in W*, *omitted in MR*.

nullius constitutionis occasione, sententiae seu mandati, praedictam incur-
rant sententiam nullatenus ipso iure, nisi in ipsis de episcopis et superiori-
bus expressim* mentio habeatur.¹ Huic etiam adicimus sanctioni⁶, ut illud
quod in constitutione *Sole/ a nonnullis*-, a nobis hactenus⁰ promulgata,
fuerat constitutum, ut cum aliquis se offert in iudicio probaturum post s
appellationem legitimam excommunicationis se^o sententia innodatum,
pendente probationis articulo, in iis quae extra iudicium agitantur, electio-
nibus, postulationibus, officiis ac aliis actibus legitimis non debeat evi-
tari, ad episcoporum et archiepiscoporum sententias nullatenus exten-
datur, sed illud obtineat in futurum, quod olim^d in talibus actibus⁰ io
exstitit observatum.

II

[I.] De *usuris*

Cura nos pastoralis sollicitat et hortatur, ut lapsis consulamus⁰ eccle-
siis, et ne labantur in posterum, provideamus constitutione salubri. Cum
igitur usurarum vorago multas ecclesias paene destruxerit et nonnulli rs
praelati circa solutionem debitorum, praesertim a suis praedecessoribus
contractorum, négligentes inveniantur admodum et remissi, ac ad con-
trahenda maiora debita et obligandas res ecclesiae nimis proni, desides
etiam in custodiendis rebus inventis, malentes in propriam laudem modic-
um novi facere quam bona custodire, dimissa recuperare, deperdita 20
restaurare ac resarcire ruinas, nos ne de cetero se de administratione
minus utili excusare ac in praedecessores sive alios fundere valeant cul-
pam suam, praesentis concilii approbatione sancimus, ut pontifices,
abbates, decani ceterique legitimam et communem administrationem
gerentes, infra unum mensem postquam administrationem adierint, inti- 25
mato prius proximo superiori, ut per se vel per aliquam personam eccle-
siasticam, idoneam et fidelem intersit, praesentibusque capitulo vel con-
ventu propter hoc specialiter evocatis, inventarium rerum administra-
tionis susceptae confici faciant, in quo mobilia et immobilia, libri, chartae,
instrumenta, privilegia, ornamenta seu paramenta ecclesiastica et cuncta, 30
quae ad instructionem urbani fundi seu rustici pertinent, necnon debita
ac credita diligentissime conscribantur, ut in quo statu ecclesiam vel
administrationem susceperint, et procedente tempore gubernarint, ac in
morte vel cessione dimiserint, per superiorem, si necesse fuerit, et eos
qui sunt ecclesiarum deputati servitiis, liquido cognoscatur: archiepiscopi 35
vero, qui praeter Romanum pontificem superiorem non habent aliquem
ex suffraganeis, ut personaliter vel per alium, ut est expressum superius,

• expressi IF b hunc etiam adicimus huic sanctioni IF
c om. JF d om. *I* e consulamus corr. consulamur R

¹ Coll III, 38; c. 4 V 11 in VI^o (Fr 2,1094-1095).

* Cf. c. 20 (v. supra p. 291-292). * c. 13 R, om. nil.

because of any decree, sentence or order, the aforesaid sentence by reason of the law itself, unless there is express mention in them of bishops and superiors.¹ In the constitution *Solet a nonnullis*², previously promulgated by us, it is laid down that when someone offers in court to prove that a sentence of excommunication was passed against him after a legitimate appeal, he is not to be avoided during the period of proof in matters which lie outside the court, such as elections, postulations and offices. To this we add that this constitution should not be extended to the sentences of bishops and archbishops, but what was previously observed in such actions should be observed in the future for these too.

II

/// On usury*

Our pastoral care incites and urges us to look to the interest of those churches which have fallen into debt, and to provide by a salutary constitution that this should not happen for the future. The abyss of usury has almost destroyed many churches, and some prelates are found to be very careless and remiss in the payment of debts, especially those contracted by their predecessors, too ready to contract heavier debts and mortgage the property of the church, slothful in guarding what has been acquired, and preferring to win praise for themselves by making some small innovation than to guard their possessions, recover what has been thrown away, restore what is lost and repair damage. For this reason, so that they may not be able for the future to excuse themselves for an inefficient administration and to throw the blame on their predecessors and others, we lay down the following rules, with the approval of the present council.

Bishops, abbots, deans and others who exercise a lawful and common administration, within one month after they have assumed office, having first informed their immediate superior, so that he may be present either in person or through some suitable and faithful ecclesiastical person, in the presence of the chapter or convent especially summoned for this purpose, must see that an inventory is made of the goods that belong to the administration they have taken up. In this the movable and immovable goods, books, charters, legal instruments, privileges, ornaments or fittings of the church, and all things which belong to the equipment of the estate, whether urban or rural, as well as debts and credits, are to be carefully written down. Thus, what was the condition of the church or the administration when they took it up, how they governed it during their incumbency, and what was its state when they laid it down by death or withdrawal, may be clearly known to the superior, if necessary, and those who are appointed for the service of the church. Archbishops who have no superior except the Roman pontiff, are to see to it that for this purpose they summon one of their suffragans, either in person or through another, as is

¹ Coll. III, 38; ch. 4 V 11 *Sext* (Fr 2, 1094-1095).

² See const. 20 (see above pp. 291-292). 5 const. 13 *in R*, omitted in others.

et abbates ac alii praelati minores exempti, unum vicinum episcopum, qui nihil iuris in exempta ecclesia sibi vindicet, ad id studeant evocare, dictumque inventarium, tam substituti praelati quam sui collegii necnon et superioris³ suffraganei seu vicini episcopi ad hoc vocatorum muniatur s sigillis, in archivis ecclesiae cum cautela debita conservandum*⁵, et nihilominus inventarii eiusdem transcriptum, tam idem institutus quam praelatus ad hoc vocatus penes se habeat simile sigillatum. Inventa quoque custodiantur fideliter et de ipsis administratio digna geratur et comperta debita de mobilibus ecclesiae, si fieri potest, cum celeritate solvantur. Si io vero mobilia non sufficiant ad solutionem celerem faciendam, omnes proventus in solutionem convertantur debitorum, quae usuraria fuerint vel etiam onerosa, deductis de ipsis proventibus expensis dumtaxat necessariis, praelato collegioque rationabiliter computandis. Si autem debita non fuerint onerosa vel usuraria, tertia pars eorundem proventuum vel is maior cum illorum consilio, quos ad conficiendum inventarium vocandos diximus, pro satisfactione huiusmodi deputentur. Porro eiusdem concilii auctoritate firmiter inhibemus, ne praedicti personas suas vel ecclesias sibi commissas pro aliis obligent nec pro se vel ipsis ecclesiis contrahant debita, quibus possit imminere gravamen. Si vero evidens urgeat necessi- 20 tas vel ecclesiarum rationabilis suadeat utilitas, praelati cum superiorum, archiepiscopi et abbates exempti cum praedictorum collegiorumque suorum consilio et consensu, debita non usuraria, si potest fieri, nunquam tamen in nundinis vel mercatis publicis contrahant, et contractuum litteris debitorum et creditorum nomina et causas quare contrahatur « debitum, etiam si in utilitatem ecclesiae sit conversum, et ad id personas ecclesiasticas vel ecclesias nullatenus volumus obligari. Privilegia siquidem ecclesiarum, quae securo loco fideliter custodiri mandamus, nequaquam pignori obligentur, nec etiam res aliae, nisi forte pro necessariis et utilibus debitis cum praedicta solemnitate contractis. Ut autem haec salubris m constitutio inviolabiliter observetur et fructus appareat, quem ex ipsa provenire speramus, ordinandum duximus et irrefragabiliter statuendum, quod omnes abbates et priores necnon et decani vel praepositi cathedra- lium seu aliarum ecclesiarum semel saltem in anno in ipsorum collegiis districtam suae administrationis faciant rationem, et coram superiore as visitante conscripta et consignata huiusmodi ratio fideliter recitetur. Archiepiscopi vero et episcopi statum administrationis bonorum, ad mensam propriam pertinentium, similiter singulis annis capitulis suis, et nihilominus episcopi metropolitanis et metropolitan! legatis apostolicae sedis vel aliis quibus fuerit ab eadem sede suarum ecclesiarum visitatio delegata, to insinuare debita fidelitate procurent. Computationes vero conscriptae semper in thesauro ecclesiae ad memoriam reserventur, ut in computatione annorum sequentium, praeteriti temporis et instantis diligens habeatur collatio, ex qua superior administrantis diligentiam vel negligentiam comprehendat; quam siquidem negligentiam, solum Deum habens prae oculis, '5 hominis amore, odio vel timore postpositis, tanta et tali animadversione

» superiores *R* b conservandam *R*

expressed above, and abbots and other lesser exempt prelates, a neighbouring bishop, who is to claim no right for himself in the exempt church. The said inventory is to be furnished with the seals of the new incumbent and his chapter, and of the archbishop's suffragan or the neighbouring bishop called for the purpose. It is to be preserved in the archives of the church with due safeguards. Moreover a transcript of this inventory' is to be given to both the new incumbent and the prelate summoned for the above purpose, and is to be similarly sealed.

Existing goods are to be carefully guarded, their administration carried out in a worthy manner, and the debts which have been found are to be speedily paid, if possible, from the movable possessions of the church. If these movable goods are not sufficient for a speedy payment, all revenues are to be directed to the payment of debts that are usurious or burdensome; only necessary expenses are to be deducted from these revenues, after a reasonable estimate has been made by the prelate and his chapter. But if the debts are not burdensome or usurious, a third part of these revenues is to be set aside for this obligation, or a greater part with the agreement of those whom we have said must be summoned to take the inventory.

Further we strictly forbid, with the authority of the same council, those mentioned above to mortgage to others their persons or the churches entrusted to them, or to contract debts on behalf of themselves or the churches which may be a source of trouble. If evident necessity and the reasonable advantage of their churches should persuade them, then prelates with the advice and consent of their superiors, and archbishops and exempt abbots with the advice and consent of those already mentioned and of their chapter, may contract debts which, if possible, are not usurious and which are never in fairs or public markets. The names of the debtors and creditors and the reason why the debt was contracted are to be included in the written contract, even if it is turned to the advantage of the church, and for this purpose we wish that in no way ecclesiastical persons or churches should be given as security. Indeed the privileges of churches, which we command should be faithfully guarded in a safe place, are never to be given as securities, nor are other things, except for necessary and useful debts contracted with the full legal forms mentioned above.

That this salutary constitution should be kept unbroken, and the advantage which we hope from it may be clearly seen, we consider that we must lay down by an inviolable decree that all abbots and priors as well as deans and those in charge of cathedrals or other churches, at least once a year in their chapters, should render a strict account of their administration, and a written and sealed account should be faithfully read out in the presence of the visiting superior. Likewise archbishops and bishops are to take care each year to make known to their chapters with due fidelity the state of administration of the goods belonging to their households, and bishops to their metropolitans, and metropolitans to the legates of the apostolic see, or to others to whom the visitation of their churches has been assigned by the same see. Written accounts are always to be kept in the treasury of the church for a record, so that in the accounts a careful comparison can be made between future years and the present and past; and the superior may learn from this the care or negligence of the administration. Let the superior requite any negligence, keeping God only before his eyes and putting aside love, hate and fear of humans, with such a degree and kind of correction

castiget, quod nec a Deo nec a suo superiori vel sede apostolica mercatur propter hoc recipere ultionem. Non solum autem a futuris praelatis sed etiam a iam promotis praesentem constitutionem praecipimus observari.

[2.] *Dt subsidio imperii Constantinopaitam'*

Arduis mens nostra occupata negotiis curisque distracta diversis, inter s
cetera circa quae attentionis invigilat oculo, ad Constantinopolitani libera-
tionem imperii suae considerationis aciem specialiter dirigit, hanc ardenti
desiderio concupiscit, erga eam iugi cogitatione versatur, et licet aposto-
lica sedes pro ipsa grandis diligentiae studio et multiplicis subventionis
remedio ferventer institerit, ac diu catholici non sine gravibus laboribus io
et onerosis sumptibus anxiiisque sudoribus et deflenda sanguinis effusione
certarinr, nec tanti auxilii dextera imperium ipsum totaliter de inimico-
rum iugo potuerit, impediens peccatis, eripere, propter quod non
immerito dolore turbamur. Quia tamen ecclesiae corpus ex membri
causa cari, videlicet imperii praefati carentia notam probrosae deformita- is
tis incurreret et sustineret debilitatis dolendae iacturam, possetque digne
nostrae ac ipsius ecclesiae desidia imputari, si fidelium destitueretur suffra-
gio et relinqueretur hostibus libere opprimendum, firma intentionel pro-
ponimus eidem imperio efficaci et celeri subsidio subvenire, ut ecclesia
ferventi ad illius exurgente succursum manumque porrigente munitam, 20
imperium ipsum de adversariorum dominio erui valeat et reduci auctore
Domino ad eiusdem corporis unitatem, sentiatque post conterentem
inimicorum malleum² dexteram^a matris ecclesiae consolantem, et post
assertionis erroneae caecitatem, visum catholicae fidei possessione resu-
mat. Ad liberationem autem ipsius eo magis ecclesiarum praelatos aliosque 25
viros ecclesiasticos vigiles et intentos exsistere, ac opem et operam con-
venit exhibere, quo amplius eiusdem fidei et ecclesiasticae libertatis
augmentum, quod per liberationem huiusmodi principaliter proveniret,
procurare tenentur; maxime quia dum praedicto subvenitur imperio,
consequenter subsidium impenditur Terrae sanctae. Sane ut festina fiat 30
et utilis imperio praefato subventio, ex communi concilii approbatione
statuimus, ut medietas omnium proventuum, tam dignitatum et persona-
tuum quam praebendarum ecclesiasticarum aliorumque beneficiorum ec-
clesiasticarum personarum illarum, quae in ipsis residendam non faciunt
personalem, per sex menses ad minus, sive unum habeant sive plura (eis 35
qui nostris et fratrum nostrorum ac suorum praelatorum immorantur
obsequiis, aut sunt in peregrinatione vel scholis seu ecclesiarum suarum
negotia de ipsorum mandato procurant, aut assumpserunt vel assument
crucis signaculum in praedictae Terrae, vel personaliter in eiusdem im-
perii proficiscentur succursum exceptis), et si aliqui eorundem excepto- <0
rum, praeter huiusmodi cruce-signatos et proficiscentes, de redditibus
ecclesiasticis ultra valentiam centum marcarum argenti percipiunt, annua-

■ intentionis *R* b dextera *R* c qua *R*

1 c. 14 *R*, om. *rtll*. * *CS*. Ir 23,29.

that he may not on this account receive from God or his superior or the apostolic see condign punishment. We order that this constitution is to be observed not only by future prelates but also by those already promoted.

[2.J On help for the empire of Constantinople]

Though we are engaged in difficult matters and distracted by manifold anxieties, yet among those things which demand our constant attention is the liberation of the empire of Constantinople. This we desire with our whole heart, this is ever the object of our thoughts. Yet though the apostolic see has eagerly sought a remedy on its behalf by earnest endeavour and many forms of assistance, though for long Catholics have striven by grievous toils, by burdensome expense, by care, sweat, tears and bloodshed, yet the hand that extended such aid could not wholly, hindered by sin, snatch the empire from the yoke of the enemy. Thus not without cause we are troubled with grief. But because the body of the church would be shamefully deformed by the lack of a loved member, namely the aforesaid empire, and be sadly weakened and suffer loss; and because it could rightly be assigned to our sloth and that of the church, if it were deprived of the support of the faithful, and left to be freely oppressed by its enemies; we firmly propose to come to the help of the empire with swift and effective aid. Thus at the same time as the church eagerly rises to its assistance and stretches out the hand of defence, the empire can be saved from the dominion of its foes, and be brought back by the Lord's guidance to the unity of that same body, and may feel after the crushing hammer of its enemies² the consoling hand of the church its mother, and after the blindness of error regain its sight by the possession of the catholic faith. It is the more fitting that prelates of churches and other ecclesiastics should be watchful and diligent for its liberation, and bestow their help and assistance, the more they are bound to work for the increase of the faith and of ecclesiastical liberty, which could chiefly come about from the liberation of the empire; and especially because while the empire is helped, assistance is consequently rendered to the holy Land.

Indeed, so that the help to the empire may be speedy and useful, we decree, with the general approval of the council, that half of all incomes of dignities, parsonages and ecclesiastical prebends, and of other benefices of ecclesiastics who do not personally reside in them for at least six months, whether they hold one or more, shall be assigned in full for three years to the help of the said empire, having been collected by those designated by the apostolic see. Those are exempt who are employed in our service or in that of our brother cardinals and of their prelates, those who are on pilgrimages or in schools, or engaged in the business of their own churches at their direction, and those who have or will take up the badge of the cross for the aid of the holy Land or who will set out in person to the help of the said empire; but if any of these, apart from the crusaders

const. 14 in *R*, omitted in others.

² See Jer 23, 29.

tim tertia pars residui ipsius imperii subsidio colligenda, per eos qui ad hoc apostolica fuerint ordinati providentia, usque ad triennium integre deputentur, non obstantibus quibuscumque consuetudinibus vel statutis ecclesiarum seu quibuslibet indulgentiis ipsis ecclesiis vel personis ab
 5 apostolica sede concessis, iuramento aut quacunque firmitate alia roboratis. Et si forte super hoc fraudem scienter commiserint, sententiam excommunicationis incurrant. Nos vero de obventionibus ecclesiae Romanae, deducta prius ex eis decima succursu Terrae deputanda praedictae, decimam pro dicti subventionem imperii plenarie tribuimus. Porro
 10 cum idem iuvatur imperium, auxilium praestatur potissime ipsi Terrae ac ad recuperationem eius praecipue insistitur, dum ad ipsius liberationem imperii laboratur, de omnipotentis Dei misericordia et beatorum Petri et Pauli apostolorum eius auctoritate confisi, ex illa quam nobis, licet indignis, ligandi atque solvendi contulit potestatem, omnibus eidem
 15 imperio succurrentibus illam suorum peccaminum veniam indulgemus, ipsosque illo privilegio eaque volumus immunitate gaudere, quae praedictae Terrae subvenientibus conceduntur.

[3.] *Admonitio praelatarum ad populum flbi commissum**

Perennis obtentu patriae, a longis retro temporibus pro redimenda
 » Terra, quam Dei Filius aspersione sui sanguinis consecravit, universitas filiorum ecclesiae non solum expensas innumeras, sed inaestimabilem cruoris affluentiam noscitur effudisse, sicut ex eo moesti corde colligimus, quod pridem contra fideles pugnantes impiis, accidit in partibus transmarinis. Verum cum propter hoc sit in sedis apostolicae voto potissimum,
 25 ut de ipsius redemptione Terrae communis desiderii cito Deo propitio proveniat complementum, digne providimus, ut ad procurandum Dei favorem, negotio vos nostris litteris excitemus. Rogamus itaque universos vos et obsecramus in domino Iesu Christo mandantes, quatenus singuli vestrum fideles populos vestrae curae commissos in vestris praedicationibus, vel quando poenitentiam ipsis iniungitis, piis monitis inducatis,
 30 concessa super hoc, prout expedire videritis indulgentia speciali, ut in testamentis, quae pro tempore fecerint, aliquid in Terrae sanctae vel imperii Romaniae subsidium pro suorum peccaminum remissione relinquunt, attentius provisuri, ut quod ipsi ad crucifixi reverentiam habendo
 35 respectum in pecunia pro huiusmodi subventionem dederint, in certis locis sub sigillis vestris conservari fideliter, et illa quae in rebus aliis ad hoc legata fuerint, diligenter in scriptis redigi faciat. Hoc autem pietatis opus, in quo sola causa Dei quaeritur et salus fidelium procuratur, sic vestra sinceritas promptis prosequatur affectibus, ut tandem securi de
 40 manu superni iudicis caelestis gloriae praemium expectetis.

» legati *R*

1 Cf. Mt 16,19; 18,18. 1 c. 15 *R*, *em. nil.*

and those setting out, receive from ecclesiastical revenues more than a hundred silver marks, they should pay a third part of the remainder in each of the three years. This is to be observed notwithstanding any customs or statutes of churches to the contrary, or any indulgences granted by the apostolic see to these churches or persons, confirmed by oath or any other means. And if by chance in this matter any shall knowingly be guilty of any deceit, they shall incur the sentence of excommunication.

We ourselves, from the revenues of the church of Rome, after first deducting a tenth from them to be assigned to the aid of the holy Land, will assign a tenth part in full for the support of the said empire. Further, when help is given to the empire, assistance is given in a very particular way and directed to the recovery of the holy Land, while we are striving for the liberation of the empire itself. Thus trusting in the mercy of almighty God and the authority of his blessed apostles Peter and Paul, from the power of binding and loosing¹ which he conferred upon us though unworthy, we grant pardon of their sins to all those who come to the help of the said empire, and we desire they may enjoy that privilege and immunity which is granted to those who come to the help of the holy Land.

[3./ Admonition to be made by prelates to the people in their charge²

In the belief that it is for ever our native country, from times long past all the children of the church have not only poured out countless sums of money but have also freely shed their blood to recover the holy Land, which the Son of God has consecrated with the shedding of his own blood. This we learn, sad at heart, from what has happened across the sea where the unbelievers fight against the faithful. Since it is the special prayer of the apostolic see that the desire of all for the redemption of the holy Land may, if God so wills, be speedily accomplished, we have made due provision, in order to win God's favour, to arouse you to this task by our letter. Therefore we earnestly beg all of you, commanding you in our lord Jesus Christ, that by your pious admonitions you should persuade the faithful committed to your care, in your sermons or when you impose a penance upon them, granting a special indulgence, as you see it to be expedient, that in their wills, in return for the remission of their sins, they should leave something for the help of the holy Land or the eastern empire. You are carefully to provide that what they give for this support by way of money, through reverence of our crucified Lord, is faithfully preserved in definite places under your seal, and that what is bequeathed for this purpose in other forms is accurately recorded in writing. May your own devotion carry out this work of piety, in which the only aim is God's cause and the salvation of the faithful, so readily that with full assurance you may look at least for the reward of glory from the hand of the divine judge.

¹ See Mt 16, 19; 18, 18. ² const. 15 *m R*, omitted in others

[4.J De Tartaris]

Christianae religionis cultum longius latiusque per orbem diffundi super omnia cupientes, inaestimabilis doloris telo transfodimur, si quando aliqui sic nostro in hac parte obviant desiderio, affectu contrario et effectu, quod ipsum cultum delere penitus de terrae superficie omni studio totaque potentia moliuntur. Sane Tartarorum gens impia Christianum populum subiugare sibi vel potius perimere appetens, collectis iam dudum suarum viribus nationum, Poloniam, Rusciam, Ungariam aliasque Christianorum regiones ingressa, sic in eas depopulatrix insaevit, ut gladio eius nec aetati parcente nec sexui, sed in omnes indifferenter crudelitate horribili debacchante, inaudito ipsas exterminio devastarit, ac aliorum regna continuato progressu illa sibi, eodem in vagina otiari gladio nesciente, incessabili persecutione substernit, ut subsequenter in robore fortiores exercitus Christianos invadens, suam plenius in ipsos possit saevitiam exercere, sicque orbato, quod absit, fidelibus orbe, fides exorbitet, dum sublato sibi gemuerit ipsius gentis feritate cultores. Ne igitur tam detestanda gentis eiusdem intentio proficere valeat, sed deficiat, auctore Deo potius et contrario concludatur eventu, ab universis christicolis attenta est consideratione pensandum et procurandum studio diligenti, ut sic illius impediatur processus, quod nequeat ad ipsos ulterius quantumcumque potenti armato brachio pertransire. Ideoque sacro suadente concilio, universos vos monemus, rogamus et hortamur, attente mandantes, quatenus viam et aditus unde in terram nostram gens ipsa posset ingredi solertissime perscrutantes, illos fossatis et muris seu aliis aedificiis aut artificiis, prout expedire videritis, taliter praemunire curetis, quod eiusdem gentis ad vos ingressus patere de facili nequeat. Sed prius apostolicae sedi suus* denuntiari possit adventus, ut ea vobis fidelium destinante succursum, contra conatus et insu'tus gentis ipsius tuti esse adiutore Domino valeatis. Nos enim in tam nec· ssariis et utilibus expensis, quas ob id feceritis, contribuemus magnifice ac ab omnibus Christianorum regionibus, cum per hoc occurratur communibus periculis, proportionaliter contribui faciemus, et nihilominus super his aliis christifidelibus, per quorum partes habere posset aditum gens praedicta litteras praesentibus similes destinamus.

*Super cruciat^)**

Afflicti corde pro deplorandis Terrae sanctae periculis, sed pro illis praecipue quae constitutis in ipsa fidelibus noscuntur noviter* accidisse ad liberandum ipsam Deo propitio de impiorum manibus, totis affectibus aspiramus, diffinientes sacro approbante concilio, ut ita crucesignati se praeparent, quod opportuno tempore universis insinuando fidelibus per praedicatores et nostros nuntios speciales, omnes qui disposuerint transfretare, in locis idoneis ad hoc convenient'; de quibus in eiusdem Terrae subsidium cum divina et apostolica benedictione procedant. Sacerdotes

* suis *R* k *ont.* *R* c istis *M* d *ont.* *Bu* e deputatis *add.* *Bu*

l c. 16 *R, om. rtll.* * c. 17 *R, ont. rtll.*

/././ On the Tartan

Since we desire above all things that the Christian religion should be spread still further and more widely throughout the world, we are pierced with the deepest sorrow when any people by aim and action go against our wishes, and strive with all their might to blot out utterly this religion from the face of the world. Indeed the wicked race of the Tartars, seeking to subdue, or rather utterly destroy the Christian people, having gathered for a long time past the strength of all their tribes, have entered Poland, Russia, Hungary and other Christian countries. So savage has been their devastation that their sword spared neither sex nor age, but raged with fearful brutality upon all alike. It caused unparalleled havoc and destruction in these countries in its unbroken advance; for their sword, not knowing how to rest in the sheath, made other kingdoms subject to it by a ceaseless persecution. As time went on, it could attack stronger Christian armies and exercise its savagery more fully upon them. Thus when, God forbid, the world is bereaved of the faithful, faith may turn aside from the world to lament its followers destroyed by the barbarity of this people. Therefore, so that the horrible purpose of this people may not prevail but be thwarted, and by the power of God be brought to the opposite result, all the faithful must carefully consider and ensure by their earnest endeavour that the Tartar advance may be hindered and prevented from penetrating any further by the power of their mailed arm. Therefore, on the advice of the holy council, we advise, beg, urge and earnestly command all of you, as far as you can, carefully to observe the route and approaches by which this people can enter our land, and by ditches, walls or other defences and fortifications, as you think fitting, to keep them at bay, so that their approach to you may not easily be open. Word of their arrival should previously be brought to the apostolic see. Thus we may direct the assistance of the faithful to you, and thus you may be safe against the attempts and raids of this people. For to the necessary and useful expenses which you should make for that purpose, we shall contribute handsomely, and we shall see that contributions are made in proportion by all Christian countries, for in this way we may meet common dangers. Nevertheless, in addition to this, we shall send similar letters to all Christians through whose territories this people could make its approach.

[5. On the crusade]*

Deeply sorrowful at the grievous dangers of the holy Land, but especially at those which have recently happened to the faithful settled there, we seek with all our heart to free it from the hands of the wicked. Thus with the approval of the sacred council, in order that the crusaders may prepare themselves, we lay it down that at an opportune time, to be made known to all the faithful by preachers and our special envoys, all who are ready to cross the sea should gather at suitable places for this purpose, so that they may proceed from there with the blessing of God and the apostolic see to the assistance of the holy Land. Priests

b omitted in R

const. 16 *in R, omitted in others.* 2 const. 17 *in R, omitted in others.*

autem et alii clerici, qui fuerint in exercitu christiano, tam subditi quam praelati, orationi et exhortationi diligenter insistant, docentes eos verbo pariter et exemplo, ut timorem et amorem Domini semper habeant ante oculos, ne quid dicant aut faciant, quod aeterni Regis maiestatem offendat. Et si quando in peccatum lapsi fuerint, per veram poenitentiam mox resurgant, gerentes humilitatem cordis et corporis, et tam in victu quam in* vestitu mediocritatem servantes, dissensiones et aemulationes omnino vitando, rancore ac livore a se penitus relegatis; ut sic* spiritualibus et materialibus armis muniti, adversus hostes fidei securius praelientur, non de sua praesumentes potentia sed de divina virtute sperantes¹. Nobiles quidem et potentes exercitus ac omnes divitiis abundantes piis praelatorum monitis inducantur, ut intuitu crucifixi, pro quo crucis signaculum assumpserunt, ab expensis inutilibus et superfluis, sed ab illis praecipue, quae fiunt in comessionibus et conviviiis, abstinentes, cas commutent² in personarum illarum subsidium, per quas Dei negotium valeat prosperari et eis propter hoc iuxta praelatorum ipsorum providentiam peccatorum suorum indulgentia tribuatur. Praedictis autem clericis indulgemus, ut beneficia sua integre percipiant per triennium, ac si essent in ecclesiis residentes, et si necesse fuerit, ea per idem tempus valeant pignori obligare. Ne igitur hoc sanctum propositum impediri vel retardari contingat, universis ecclesiarum praelatis districte praecipimus, ut singuli per loca sua illos, qui signum crucis deposuerunt resumere, ac tam ipsos quam alios crucesignatos et quos adhuc signari contigerit, ad reddendum Domino vota sua² diligentius³ moneant et inducant, et si necesse fuerit, per excommunicationis in personas et interdicti sententias in terras ipsorum, omni tergiversatione cessante, compellant. Ad haec ne quid in negotio lesu Christi de contingentibus omittatur, volumus et mandamus, ut patriarchae, archiepiscopi, episcopi, abbates et alii, qui curam obtinent animarum, studiose proponant commissis sibi populis verbum crucis, obsecrantes per Patrem et Filium et Spiritum sanctum, unum, solum, verum, aeternum Deum, reges, duces, principes, marchiones, comites et barones aliosque magnates necnon communia civitatum, villarum et oppidorum, ut qui personaliter non accesserint in subsidium Terrae sanctae, competentem conferant numerum bellatorum cum expensis ad triennium necessariis secundum proprias facultates, in remissionem suorum peccaminum, prout in generalibus litteris, quas pridem per orbem terrae misimus, est expressum et ad maiorem cautelam inferius etiam' exprimetur. Huius enim⁴ remissionis volumus esse participes, non solum eos, qui ad hoc naves proprias exhibebunt, sed illos etiam qui propter hoc opus naves studuerint fabricare. Renuentibus autem, si qui forte tam ingrati fuerint domino Deo nostro, ex parte apostolica firmiter protestemur, ut se sciant super hoc nobis in novissimo districti

¹ om. Bx b convertant MBu c diligenter MBu
² ac MBu e om. MBu f igitur MBu

» Cone. Lat. IV, c. [71] (v. supra p. 267. 28-38). ' Cf. Ec 5, 4; Ps 49,14; 115r 14; et aL

and other clerics who will be in the Christian army, both those under authority and prelates, shall diligently devote themselves to prayer and exhortation, teaching the crusaders by word and example to have the fear and love of God always before their eyes, so that they say or do nothing that might offend the majesty of the eternal king. If they ever fall into sin, let them quickly rise up again through true penitence. Let them be humble in heart and in body, keeping to moderation both in food and in dress, avoiding altogether dissensions and rivalries, and putting aside entirely any bitterness or envy, so that thus armed with spiritual and material weapons they may the more fearlessly fight against the enemies of the faith, relying not on their own power but rather trusting in the strength of God¹. Let nobles and the powerful in the army, and all who abound in riches, be led by the holy words of prelates so that, with their eyes fixed on the crucified one for whom they have taken up the badge of the cross, they may refrain from useless and unnecessary expenditure, especially in feasting and banquets, and let them give a share of their wealth to the support of those persons through whom the work of God may prosper; and on this account, according to the dispensation of the prelates themselves, they may be granted remission of their sins. We grant to the aforesaid clerics that they may receive the fruits of their benefices in full for three years, as if they were resident in the churches, and if necessary they may leave them in pledge for the same time.

To prevent this holy proposal being impeded or delayed, we strictly order all prelates of churches, each in his own locality, diligently to warn and induce those who have abandoned the cross to resume it, and them and others who have taken up the cross, and those who may still do so, to carry out their vows to the Lord². And if necessary they shall compel them to do this without any backsliding, by sentences of excommunication against their persons and of interdict on their lands, excepting only those persons who find themselves faced with an impediment of such a kind that their vow deservedly ought to be commuted or deferred in accordance with the directives of the apostolic see. In order that nothing connected with this business of Jesus Christ be omitted, we will and order patriarchs, archbishops, bishops, abbots and others who have the care of souls to preach the cross zealously to those entrusted to them. Let them beseech kings, dukes, princes, margraves, counts, barons and other magnates, as well as the communes of cities, vills and towns — in the name of the Father, Son and holy Spirit, the one, only, true and eternal God — that those who do not go in person to the aid of the holy Land should contribute, according to their means, an appropriate number of fighting men together with their necessary expenses for three years, for the remission of their sins, in accordance with what has already been explained in general letters and will be explained below for still greater assurance. We wish to share in this remission not only those who contribute ships of their own but also those who are zealous enough to build them for this purpose. To those who refuse, if there happen to be any who are so ungrateful to our lord God, we firmly declare in the name of the apostle that they should know that they will have to answer to us for this on the last day of

¹ Lateran council IV, const. [71] (see above p. 267).

² See Ec 5, 4; Ps 49, 14; 115, 14; and elsewhere.

examinis die coram tremendo iudice responsuros, prius tamen conside-
 rantes, qua scientia* quave securitate compatere poterunt coram unigenito
 Dei filio Iesu Christo, cui *omnia dedit Pater in manu*^P, si ei pro peccatori-
 bus crucifixo servire renuerint in hoc negotio, quasi proprie sibi pro-
 prio, cuius munere vivunt, cuius beneficio sustentantur, quin etiam cuius 5
 sanguine² sunt redempti³. Ceterum ex communi concilii approbatione sta-
 tuimus, ut omnes omnino clerici, tam subditi quam praelati, vigesimam
 ecclesiarum⁸ proventuum, usque ad triennium integre conferant in sub-
 sidium Terrae sanctae, per manus po^orum, qui ad hoc apostolica fuerint
 providentia ordinati, quibusdam dumtaxat*¹ religiosis exceptis ab hac 10
 praestatione merito eximendis illisque similiter, qui assumpto vel assu-
 mendo crucis signaculo, sunt personaliter profecturi. Nos et fratres nostri
 sanctae Romanae ecclesiae cardinales plenarie decimam persolvemus;
 sciantque se omnes ad hoc fideliter observandum per excommunicationis
 sententiam obligatos, ita quod illi, qui super hoc fraudem scienter is
 commiserint, sententiam excommunicationis incurrant. Sane quia iusto
 iudicio coelestis imperatoris obsequiis inhaerentes, speciali decet praero-
 gativa gaudere, cruce signati a collectis vel talliis aliisque gravaminibus
 sint immunes, quorum personas et bona post crucem assumptam sub
 beati Petri et nostra protectione suscipimus, statuentes ut sub archiepisco- 20
 porum, episcoporum et omnium praelatorum ecclesiae Dei defensione
 consistent, propriis nihilominus protectoribus ad hoc specialiter depu-
 tandis ita, ut donec de ipsorum reditu vel obitu certissime cognoscatur,
 integra maneant et quietae; et si quisquam contra praesumpserit, per cen-
 suras ecclesiasticas* compescatur. Si qui vero proficiscentium, illuc ad «
 praestandas usuras iuramento tenentur» adstricti, creditores eorum, ut
 eis remittant praestitum iuramentum et ab usurarum exactione desistant,
 eadem praecipimus distictione compelli. Quod si quisquam creditorum
 eos ad solutionem coegerit usurarum, eum ad restitutionem earum simili
 cogi animadversione mandamus. Iudaeos vero ad remittendas usuras per 30
 saecularem compelli praecipimus potestatem, et donec illas remiserint, ab
 universis christifidelibus per excommunicationis sententiam eis omnino
 communio denegetur. Iis qui iudaeis nequeunt solvere debita in prae-
 senti, sic principes saeculares utili dilatione provideant, quod post iter
 arreptum, quousque^l de ipsorum reditu vel obitu^k cognoscatur, usurarum 35
 incommoda non incurrant, compulsis iudaeis proventus pignorum, quos
 ipsi interim perceperint, in sortem expensis deductis necessariis computare;
 cum huiusmodi beneficium non multum videatur habere dispendii, quod*
 solutionem sic prorogat, quod debitum non absorbet. Porro ecclesiarum
 praelati, qui in exhibenda iustitia cruce signatis et eorum familiis negli- 40

» conscientia *Ai* b ecclesiasticorum *MBu* c ad *M* d tamen *MBu*
 e autem *add. MBu* { per censuram eccl- *Bu* censura *ccd- M* g teneantur *MBu*
 h vero *add. Bu* « usquequo *MBu* k certissime *add. AiBu* l quia *MBu*

1 Io 13,3; cf. Io 3,35. 1 Cf. 1 Pt. 1,18-19.

» Cone. Lat. IV, c. [71] (v. supra pp. 267, 38 - 268, 30).

final judgment before the fearful judge. Let them consider beforehand, however, with what knowledge and with what security it was that they were able to confess before the only-begotten Son of God, Jesus Christ, to whom *the Father gave all things into his hands*¹, if in this business, which is as it were peculiarly his, they refuse to serve him who was crucified for sinners, by whose beneficence they are sustained and indeed by whose blood² they have been redeemed³.

We therefore decree, with the general approval of the council, that all clerics, both those under authority and prelates, shall give a twentieth of the revenues of their churches for a full three years to the aid of the holy Land, by means of the persons appointed by the apostolic see for this purpose; the only exceptions being certain religious who are rightly to be exempted from this taxation and likewise those persons who have taken or will take the cross and so will go in person. We and our brothers, cardinals of the holy Roman church, shall pay a full tenth. Let all know, moreover, that they are obliged to observe this faithfully under pain of excommunication, so that those who knowingly deceive in this matter shall incur the sentence of excommunication. Because it is right that those who persevere in the service of the heavenly ruler should in all justice enjoy special privilege, the crusaders shall therefore be exempt from taxes or levies and other burdens. We take their persons and goods under the protection of St Peter and ourself once they have taken up the cross. We ordain that they are to be protected by archbishops, bishops and all prelates of the church of God, and that protectors of their own are to be specially appointed for this purpose, so that their goods are to remain intact and undisturbed until they are known for certain to be dead or to have returned. If anyone dares to act contrary to this, let him be curbed by ecclesiastical censure.

If any of those setting out are bound by oath to pay interest, we ordain that their creditors shall be compelled by the same punishment to release them from their oath and to desist from exacting the interest; if any of the creditors does force them to pay the interest, we command that he be forced by similar punishment to restore it. We order that Jews be compelled by the secular power to remit interest, and that until they do so all intercourse shall be denied them by all Christ's faithful under pain of excommunication. Secular princes shall provide a suitable deferral for those who cannot now pay their debts to Jews, so that after they have undertaken the journey, and until there is certain knowledge of their death or of their return, they shall not incur the inconvenience of paying interest. The Jews shall be compelled to add to the capital, after they have deducted their necessary expenses, the revenues which they are meanwhile receiving from property held by them on security. For, such a benefit seems to entail not much loss, inasmuch as it postpones the repayment but does not cancel the debt. Prelates of churches who are negligent in showing justice to

¹ Jn 13, 3; see Jn 3, 35. ² See 1 Pt 1, 18-19.

³ Lateran council IV, const. [71] (see above pp. 267-268).

gentes exstiterint, sciant se graviter puniendos. Ceterum, quia cursarii et
 piratae nimis* impediunt subsidium Terrae sanctae, capiendo et spoliando
 transeuntes ad eam^b et redeuntes ab ipsa, nos eos et principales adiutores
 et fautores eorum excommunicationis vinculo innodamus, sub inter-
 5 minatione anathematis inhibentes, ne quis cum eis scienter communicet
 in aliquo venditionis vel emptionis contractu et iniungentes rectoribus
 civitatum et locorum suorum, ut eos ab hac iniquitate revocent et com-
 pescant. Alioquin quia nolle perturbare perversos, nihil est aliud quam
 fovere nec caret scrupulo societatis occultae, qui manifesto facinori desinit
 10 obviare, in personas et terras eorum per ecclesiarum praelatos severita-
 tem ecclesiasticam volumus et praecipimus exerceri⁰. Excommunicamus
 praeterea et anathematizamus illos falsos et impios christianos, qui
 contra ipsum Christum et populum christianum^d arma, ferrum et ligna-
 mina deferunt galearum; illos^e etiam, qui galeas vendunt eis vel naves,
 15 quique in piraticis Saracenorum navibus curam gubernationis exercent,
 vel in machinis vel quibuslibet aliis aliquod eis impendunt auxilium vel
 consilium in dispendium Terrae sanctae, ipsosque rerum suarum mul-
 tari privatione et capientium fore servos censemus. Praecipientes ut per
 omnes urbes maritimas omnibus^f diebus dominicis et festivis huiusmodi
 « sententia publice innovetur et talibus graemium non aperiatur ecclesiae,
 nisi totum quod de commercio tam damnato perceperint et tantundem
 de suo in subsidium praedictae^g Terrae^g transmiserint, ut aequo iudicio,
 in quo peccaverint^h, punianturⁱ. Quod si forte solvendo non fuerint, sic
 alias reatus talium castigetur, quod in poena ipsorum aliis interdicatur
 25 audacia similia praesumendi. Prohibemus insuper omnibus christianis
 et sub anathemate interdicimus, ut^{*} in terras Saracenorum, qui inf partes
 orientales inhabitant, usque ad quadriennium transmittant vel trans-
 vehant naves suas, ut per hoc volentibus transfretare, in subsidium
 Terrae sanctae maior navigii copia praeparetur et Saracenis praedictis
 30 subtrahatur auxilium, quod eis consuevit ex hoc non modicum provenire.
 Licet autem torneamenta sint in diversis conciliis² sub certa poena gene-
 raliter interdicta, quia tamen hoc tempore crucis negotium per ea pluri-
 mum impeditur, nos eak sub poena excommunicationis firmiter inhibemus^l
 usque ad triennium exerceri. Quia vero ad hoc negotium exequendum,
 « est permaxime necessarium, ut principes et populi christiani adinvicem
 pacem observent, sancta et^f universali synodo suadente statuimus, utm per
 quadriennium in toto orbe christiano pax generaliter observetur, ita
 quod per ecclesiarum praelatos discordantes reducantur ad plenam pacem
 aut firmam treguam inviolabiliter observandam; et qui acquiescere forte
 «0 contempserint, per excommunicationem in personas et interdictum in

a saepius *Bu* b illam *MBu* c observari *core. manus coeva* exerceri *R*
 d Saracenis *add. MBu* e eos *MBu* f *em. MBu* g Terrae sanctae *M*
 h deliquerint *MBu* i ne *MBu* k illa *MBu* l prohibemus *MBu*
 m saltem *add. MBu*

Cf. conc. Lat. III, c. 24 (v. supra p. 223).

Cf. conc. Lat. II, c. 14 (v. supra p. 111) et conc. Lat. III, c. 20 (v. supra p. 221).

crusaders and their families should know that they will be severely punished.

Furthermore, since corsairs and pirates greatly impede help for the holy Land, by capturing and plundering those who are travelling to and from it, we bind with the bond of excommunication them and their principal helpers and supporters. We forbid anyone, under threat of anathema, knowingly to communicate with them by contracting to buy or to sell; and we order rulers of cities and their territories to restrain and curb such persons from this iniquity. Otherwise, since to be unwilling to disquiet evildoers is none other than to encourage them, and since he who fails to oppose a manifest crime is not without a touch of secret complicity, it is our wish and command that prelates of churches exercise ecclesiastical severity against their persons and lands. We excommunicate and anathematise, moreover, those false and impious Christians who, in opposition to Christ and the Christian people, conveyd arms and iron and timber for galleys; and we decree that those who sell them galleys or ships, and those who act as pilots in pirate Saracen ships, or give them any help or advice by way of machines or anything else, to the detriment of the holy Land, are to be punished with deprivation of their possessions and are to become the slaves of those who capture them. We order this sentence to be renewed publicly on Sundays and feast-days in all maritime towns; and the bosom of the church is not to be opened to such persons unless they send in aid of the holy Land all that they received from this damnable commerce and the same amount of their own, so that they are punished in proportion to their sins¹. If perchance they do not pay, they are to be punished in other ways in order that through their punishment others may be deterred from venturing upon similar rash actions. In addition, we prohibit and on pain of anathema forbid all Christians, for four years, to send or take their ships across to the lands of the Saracens who dwell in the east, so that by this a greater supply of shipping may be made ready for those wanting to cross over to help the holy Land, and so that the aforesaid Saracens may be deprived of the not inconsiderable help which they have been accustomed to receiving from this.

Although tournaments have been forbidden in a general way on pain of a fixed penalty at various councils², we strictly forbid them to be held for three years, under pain of excommunication, because the business of the crusade is much hindered by them at this present time. Because it is of the utmost necessity for the carrying out of this business that rulers and Christian peoples keep peace with each other, we therefore ordain, on the advice of this holy and general synod, that peace be generally kept in the whole Christian world for four years, so that those in conflict shall be brought by the prelates of churches to conclude a definitive peace or to observe inviolably a firm truce. Those who refuse to comply shall be most strictly compelled to do so by an excommunication against their persons and an interdict on their lands, unless the malice of the wrongdoers

I to the Saracens *added in MBh*

¹ See Lateran council III, canon 24 (see above p. 223).

² See Lateran council II, canon 14 (see above p. 200), and Lateran council III, canon 20 (see above p. 221).

terras arctissime compellantur, nisi tanta fuerit iniuriatorum malitia,
 quod ipsi non gaudere debeant tali pace. Quod si forte censuram eccle-
 siasticam vilipenderint, poterunt non immerito formidare, ne per aucto-
 ritatem ecclesiae contra eos, tanquam perturbatores negotii crucifixi,
 saecularis potentia inducatur. Nos ergo de omnipotentis Dei misericor- 5
 dia et beatorum apostolorum Petri et Pauli auctoritate confisi, ex illa
 quam nobis, licet indignis, Deus ligandi atque solvendi contulit potestatel,
 omnibus, qui laborem istum in propriis personis subierint et expensis,
 plenam suorum peccaminum, de quibus fuerint* corde contriti et ore con-
 fessi, veniam indulgemus et in retributione iustorum salutis aeternae 10
 pollicemur augmentum. Eis autem qui non in propriis personis illuc
 accesserint, sed in suis dumtaxat expensis iuxta facultatem et qualitatem
 suam viros idoneos destinaverint, et illis similiter qui licet in alienis
 expensis, in propriis tamen personis accesserint, plenam suorum concedi-
 mus veniam peccatorum. Huius quoque remissionis¹* concedimus esse is
 participes, iuxta quantitatem subsidii et devotionis affectum, omnes qui
 ad subventionem ipsius⁰ Terrae de bonis suis congrue ministrabunt, aut
 circa praedicta consilium et auxilium impenderint opportunum. Omnibus
 etiam pie proficiscentibus in hoc opere, sancta et universalis synodus
 orationum et beneficiorum suorum suffragium impartitur, ut eis digne 20
 proficiat ad salutem.²

* veraciter *add. MBa* b volumus et *add. MBu* c illius *MBu*

¹ Cf. Mt 16,19; 18,18.

² Conc. Lat. IV, c. [71] (v. supra pp. 268, 30 - 271, 12); cf. bibliogr. in calce huius c. conc. Lat. IV.

is so great that they ought not to enjoy peace. If it happens that they make light of the church's censure, they may deservedly fear that the secular power will be invoked by ecclesiastical authority against them, as disturbers of the business of him who was crucified.

We therefore, trusting in the mercy of almighty God and in the authority of the blessed apostles Peter and Paul, do grant, by the power of binding and loosing that God has conferred upon us¹, albeit unworthy, unto all those who undertake this work in person and at their own expense, full pardon for their sins about which they are heartily contrite and have spoken in confession, and we promise them an increase of eternal life at the recompensing of the just. To those who do not go there in person but send suitable men at their own expense, according to their means and status, and likewise to those who go in person but at others' expense, we grant full pardon for their sins. We grant to share in this remission, according to the amount of their help and the intensity of their devotion, all who shall contribute suitably from their goods to the aid of the said Land or who give useful advice and help regarding the above. Finally, this holy and general synod imparts the benefit of its prayers and blessings to all who piously set out on this enterprise in order that it may contribute worthily to their salvation.²

¹ See Mt 16, 19; 18, 18.

Lateran council IV, const. [71] (see above pp. 268-271); see bibliog. at end of this const, of Lateran council IV.

Lyons II
1274~

INTRODUCTION

After the death of Pope Clement IV (29 November 1268) almost three years passed before the cardinals were able to elect a new pope, Gregory X (1 September 1271). The political aspect of Europe in those times was undergoing great change. The popes themselves in their struggles with the German emperors had sought help from various states and had placed Charles of Anjou on the throne of Sicily. This long conflict, which the popes fought in order to protect their freedom and immunity, had finally upset the traditional system of government in Christendom. This system depended on two institutions, the papacy and the empire. In the East, moreover, the emperor Michael VIII Palaeologus had captured Constantinople in 1261 and brought the Latin empire there to an end.

Since the state of affairs was undoubtedly complex and difficult, Gregory X had conceived a very broad plan involving the whole Christian world. In this plan the eastern question was of the highest importance. The pope sought to conclude a treaty with Michael VIII Palaeologus and to unite the eastern and western churches. For if the churches were united and the strength of all Christian peoples were combined, the problem of the holy Land could be resolved and the Roman church could flourish with fresh authority and influence in the western states.

Gregory X, therefore, when he convoked the general council on 31 March 1272¹, outlined three themes: union with the Greeks, the crusade, and the

¹ See *Les registres de Grégoire X (1272-1276)*, ed. J. Guiraud, Rome 1892, no. 160; Potthast 20525; J. B. Martin, *Conciles et bnllaire du diocèse de Lyon ...*, Lyons 1905, no. 1542; see also Guiraud 161, 657-658; F. Bock, *Problemi di datazione nei documenti di Gregorio X*, *Rivista di storia della Chiesa in Italia* 7 (1953) 307-336, nos. 226-227; Manin 1543-1545. For other letters of convocation or invitation to Michael Palaeologus and to others, see Guiraud 194, 196, 304, 331-332, 662-666, 848-849, 905; Bock 191-192, 232-236; Potthast 20630-20631, 20722, 20758, 20830; Martin 1553-1554, 1574-1575, 1596, 1638-1639; for Michael's replies see also F. Dolger, *Rcgesten der Kaisenirkunden des ostrom'schen Reiches von 565-1453*, III Munich — Berlin 1932, nos. 2002-2003, 2006-2009. Lyons is mentioned as the place of the council only in letters of 13 April 1273; see Guiraud 307, 660-661 (see Bock 230-231); Potthast 20716-20717; Martin 1563, 1567-1573. For other letters relating to the council, see Guiraud 195, 197-198, 305, 336, 487, 667, 752, 815-816 (see Bock 161-162, 237, 266); Potthast 20554, 20633, 20688-20689, 20754, 20769, 20869; Martin 1555-1558, 1576-1577, 1586-1587, 1593-1595, 1597, 1608, 1628-1632).

reform of the church'. Regarding the third theme, which was not only traditional in medieval councils but was also required by the actual state of ecclesiastical morals, the pope in March 1273 sought the opinion of all Christian people and asked for their help'. Some reports sent to him for this purpose are still extant.² After long preparatory arrangements the council assembled at Lyons and opened on 7 May 1274.³ Probably there were present⁶ about 300 bishops, 60 abbots and a large number of other clergy, many of whom apparently were theologians (Thomas Aquinas died while on his journey to Lyons), as well as king James of Aragon and the delegates sent by the rulers of France, Germany, England and Sicily. The Greeks arrived late, on 24 June⁷, since they had been shipwrecked. Meanwhile a delegation of Tartars had also arrived⁸. Although the number of participants does not seem to have been especially large, the whole Christian world was present either in person or through representatives, and it was evident that the council, as Gregory' X had wished, was universal and ecumenical.

The council had six general sessions: on 7 and 18 May, 4 or 7 June, 6, 16 and 17 July⁹. In the fourth session the union of the Greek church with the Latin church was decreed and defined, this union being based on the consent which the Greeks had given to the claims of the Roman church¹³. In the last session the

2 Sec Guiraud 160, where we also read: "and because it is of general concern that a wholesome remedy be applied, we with our brothers have decided that a general council be assembled, as the praiseworthy example and custom of the holy fathers and the lessons of age-old observation have taught us".

3 See Guiraud 220, 659 (and see Bock 229); Potthast 2C685-2C686; Martin 1561-1562.

4 Bishop Bruno of Olmutz wrote a report (see edition of I. Schwalm in MGH, *Constit. et acta*, III Hanover and Leipzig 1904-1906, 589 if.); another was written by Gilbert of Tournai (see A. Stroick, *Verfasser und Quellen der "Collectio de scandalis ecclesiae"* ..., Archivum Franciscanum Historicum 23 (1930) 3-41, 273-299, 433-466, and 24 (1931) 33-62; a third was written by Humbert of Romans (see B. Birckman, *Die vermeintliche und die wirkliche Reformschrift des Dominikanergenerals Humbert de Romanis*, Berlin — Leipzig 1916; K. Michel, *Der Reformvorschlag des Humbertus de Romanis O.P. für das II. Lyoner allg. Konzil im Jahre 1274*, Oberwarth 1920; id., *Das Opus tripartitum des Humbert de Romanis* ..., Graz 21926; see also K. Wenck, *Das erste Konklave der Papstgeschichte*, Quellen und Forschungen aus italienischen Archiven und Bibliotheken 18 (1926) 157 n. 123).

5 See Martin 1647, 1763. On Gregory's journey to Lyons, see A. Callebaut, *Le voyage due B. Gregoire X et de S. Bonaventure au concile de Lyon* ..., Archivum Franciscanum Historicum 18 (1925) 169-180.

6 See especially H. Finke, *Konzilienstudien zur Geschichte des 13. Jahrhunderts* ... Munster 1891, 4-8; see also Martin 1648-1762.

7 See Martin 1790-1791, 1793.

8 See Martin 1798.

9 Ample historical evidence concerning the council is found in *Brevis nota* (= BN), written by some member of the curia between the end of the council and 1 November 1274; see S. Kuttner, *Conciliar Law in the Making. The Lyonese Constitutions (1274) of Gregory X in a Manuscript of Washington*, Miscellanea Pio Paschini (Lateranum N.S. 15). II Rome 1949, 42, 49. *Brevis nota* was edited in Rm 4 (1612) 83-86 and subsequently reprinted until Msi 24 (1780) 61-68. From it the dates of the individual sessions and an outline of the constitutions can be inferred; see also Martin 1763, 1773, 1785-1788. 1802-1805, 1813-1815, 1843-1845; the exact date of the third session is not certain, see Kuttner, *Conciliar Law* 42 n. 14.

10 See Martin 1794-1795, 1801-1808; the Greeks' profession of faith and their oath is also in Msi 24, 67-77 (see also Guiraud 194-195 and Dölger 2C02, 2006-2009).

dogmatic constitution concerning the procession of the holy Spirit was approved¹¹, this question having been a cause of disagreement between the two churches. The union however appears to have been imposed, on the Greek side, by the emperor Michael VIII. He wanted the support of the pope in order to deter Charles of Anjou from an attack on the Byzantine empire, while the majority of the Greek clergy opposed the union. The union was therefore fleeting, either because in the East the clergy steadily resisted it, or because the popes after Gregory X changed their plan of action¹²³.

The weakness of the union with the Greeks also rendered a crusade impossible. Gregory X won the approval of the principal states of Europe for the undertaking and was able, in the second session, to impose heavy taxes (a tenth for six years) in order to carry it out (const. *Zelus fidei*, below pp. 309–314)¹⁵. The council however merely decided to engage in the crusade; no start was made at getting things done and the project came to nothing. Moreover Gregory died soon afterwards (10 January 1276), and he was not sufficiently influential or powerful to bring to a conclusion his plans for church and state.

With regard to the reform of the church, Gregory complained in the council's last session that discussion had not been sufficient to pass any definite decree. However, he was able to bring about that certain constitutions relating to the parish should be delegated to the curia. For the rest, some constitutions concerning church institutions were approved in various sessions. The most important one prescribed that a pope should be elected by the college of cardinals assembled in conclave (const. 2); constitution 23 attempts to adjust relations between secular clerics and religious; constitutions 26–27 treat of usury; and

¹¹ This survives as the constitution *Fideli ac devota* (const. 1, below p. 314), which was written in its final form after the end of the council; see below p. 307 n. 24.

¹² The bibliography is very extensive; see especially R. Souarn, *Tentatives d'union avec Rome. Un patriarche grec catholique au XIII^e siècle*. Echos d'Orient 3 (1900) 229–237; V. Grumel, *Les ambassades pontificales à Byzance après le II^e concile de Lyon (1274–1280)*, ibid. 23 (1924) 437–447; DThC 9/1 (1926) 1391–1410; M. Jugie, *Le schisme byzantin. Aperçu historique et doctrinal*, Paris 1941, 259–260; A. Fliche, *Le problème oriental au second concile oecuménique de Lyon (1274)*, Orient. Christ. Per. 13 (1947) 475–485; H. Evert-Kappesowa, *La Société byzantine et l'union de Lyon*, Byzantinoslavica 10 (1949) 28–41; M. Concaglia, *Les frères mineurs et l'église grecque orthodoxe au XIII^e siècle (1231–1274)*, Cairo 1954, 139–178; L. Gatto, *Il pontificato di Gregorio X (1271–1276)*, Rome 1959, 107–162; D. J. Geanakoplos, *Emperor Michael Palaeologus and the West, 1238–1282, A Study in Byzantine-Latin Relations*, Cambridge, Mass. 1959, 238–245, 258–276; B. Roberg, *Die Union zwischen der griechischen und der lateinischen Kirche auf dem II. Konzil von Lyon (1274)*, Bonn 1964; J. Gill, *The Church Union of the Council of Lyons (1274) portrayed in the Greek documents*. Orient. Christ. Per. 40 (1974) 5–45; V. Laurent and J. Darrouzès, *Dossier Grec de l'Union de Lyon (1273–1277)*, Archives de l'Orient Chrétien 16, Paris 1976; and see the general bibliography below. See also G. Golubovich, *Cenni storia su fra Giovanni Parastron, minorita greco di Costantinopoli, legato dell'imperatore greco al papa, interprete al concilio di Lione ecc. (1272–1273)*, Bessarione, Ser. II 10 (1906) 295–304.

¹³ See A. Gottlob, *Die papstlichen Kreuzzug-Steuer ...*, 94–116; A. von Hirsch-Gereuth, *Studien zur Geschichte der Kreuzzugs-Steuer nach den Kreuzzugsurkunden*, Munich 1896; W. E. Lunt, *Papal Taxation ...*, 400 ff.; id., *Papal Revenues in the Middle Ages*, New York 1934, I 40–42, 73, 187, 216, 220, 224–225, 260, 280; II 66, 97–98, 118, 162, 169, 175, 179, 181, 184; id., *Financial Relations ...*, 157–158, 311–313, 337–338, 448–452, 641–665; see also Martin 1768–1771; Potthast 20905, 20942, 20946–20948.

others treat of particular questions about the reform of morals and of the church¹⁴.

There are at least two redactions (conciliar and post-conciliar) of the council's constitutions, as S. Kuttner has shown¹⁵. In the second session the fathers had approved the decree *Zelus fidei*, which was rather a collection of constitutions about the holy Land, the crusade, the war against Saracens and pirates, and the order and procedure to be observed in the council¹⁶ (here for the first time the nations appear as ecclesiastical parts of a council). Next, twenty-eight constitutions were approved in the following sessions: const. 3-9, 15, 19, 24, 29-30 in the third; const. 2, 10-12, 16-17, 20-22, 25-28, 31 in the fifth; const. 1, 23 in the sixth session¹⁷. The pope promulgated a collection of the council's constitutions on 1 November 1274, sent this to the universities with the bull *Cum nuper*, and informed all the faithful in the encyclical *Infrascriptas*¹⁸. In this collection, however, three of the thirty-one constitutions are post-conciliar (const. 13-14, 18). These concern the parish, on which subject the pope and the council fathers had decided in the last session of the council that some decrees should be made later on²⁰. Moreover the constitution *Zelus fidei* is missing from the collection, perhaps because it contained no juridical statutes of universal validity; and the other constitutions had been subjected to the examination of the curia and emended, notably, as far as we know, const. 2 on the conclave and const. 26-27 on usury²¹²².

The collection of constitutions promulgated by Gregory X was incorporated into Boniface VIII's *Liber Sextus* (1298)²³. It also survives, together with the encyclical *Infrascriptas*, in Gregory X's register (=R)²⁴ on which we have based our text. The conciliar redaction, however, is known only in part. The constitution *Zelus fidei* was discovered first by H. Finke in an Osnabrück codex

¹⁴ On the force and significance of the constitutions, see among others A. Fliche, *La Chrétienté romaine, 1198-1274* (Histoire de l'église 10), Paris 1950, 496-502; H. Wolter and H. Holstein, *Lyon I et Lyon II* (Histoire des conciles 7), Paris 1966, 196-209.

¹⁵ See E. Fournier, *L'accueil fait par la France du XIII^e siècle aux décrétales pontificales. Leur traduction en langue vulgaire*, Acta congressus iuridici internationalis ... Romae 12-17 nov. 1934, III Rome 1936, 256-258; using new arguments and documents S. Kuttner, *Conciliar Law ...*, 39-81, has conclusively shown the existence of two drafts.

¹⁶ See Finke, *Konzilienstudien ...*, 11-15; Kuttner, *Conciliar Law ...*, 47-48.

¹⁷ See Kuttner, *Conciliar Law ...*, 48.

¹⁸ See Kuttner, *Conciliar Law ...*, 42-47.

¹⁹ See Kuttner, *Conciliar Law ...*, 39-41. For the commentaries on the constitutions, see among others E. Fournier, *Questions d'histoire du droit canonique*, Paris 1936, 7-27; the most important commentary is that of William Durandus, who was present at the council and took part in drawing up the constitutions. Saint Bonaventure and Peter of Tarentaise, the future Pope Innocent V, seem to have been very influential in the council; see R. Ménindès, *Saint Bonaventure, les frères mineurs et l'unité de l'église au concile de Lyon de 1274*, La France franciscaine, Ser. II 18 (1935) 363-392; M. H. Laurent, *Le bienheureux Innocent V (Pierre de Tarentaise) et son temps*, Vatican City 1947, 146-171.

²⁰ See Martin 1844.

²¹ See Kuttner, *Conciliar Law ...*, 60-77.

²² Only const. 19 was not included in *Liber Sextus* (Sext); see Fr 2, p. L; E. Göller, *Zur Geschichte des zweiten Lyoner Konzils und des Liber sextus*, Römische Quartalschrift 20/2 (1906) 81-87.

This is in Vatican Archives, Reg. Vat. 37, fos. 204r-209'.

(= O) and then by S. Kuttner, without its beginning, in a Washington codex (= W)²⁵; it is also extant in three English cartularies, which we have not examined²⁶; our edition relies on the transcriptions of Finke (= F) and Kuttner (= K). The other constitutions of the conciliar redaction we know only from W²⁷ and, as regards const. 2, from eight scrolls containing the approval of the council fathers for this constitution (Vatican Archives, AA. arm. I–XVIII» 2187–2194 = V 1-8)²⁸. We therefore give the conciliar redaction on the basis of V and W; but W is very incomplete, having only 20 constitutions (const. 2-8, 9 mutilated, 10-12, 16-17, 20, 22-23, 25-27, 31)²⁹ and is full of errors. As the best solution at this intermediate stage, we therefore give the constitution *Zelus fidei* (below pp. 309-314) separately from the post-conciliar collection (below pp. 314-331), and we note in the critical apparatus of the latter the variant readings of the conciliar redaction. In the main editions of the council's acts only the collection of constitutions promulgated by Gregory X is to be found; all these editions depend on Rm (4, 95-104), which is taken from R³⁰ (R was edited later by Guiraud³¹).

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See Finke, *Konzilienstudien ...*, 1-2, 11-14 (text: pp. 113-117). Heinrich Finke's investigations and conclusions were for a long time disregarded by scholars (see Kuttner, *Conciliar Law ...*, 45-46). He discovered the constitution *Zelus fidei* and he was able to show that the constitution *Cum sacrosancta* — which is mentioned in *Brevis nota* but is absent from Gregory X's constitutions — was in fact the conciliar redaction of the constitution *Fideli ac devota*. However, the text of *Cum sacrosancta* is not known.

See Kuttner, *Conciliar Law ...*, 52-54 (imperfect text: pp. 58-59).

²⁶ See W. E. Lunt, *Papal Taxation in the Reign of Edward I*, English Historical Review 30 (1915) 401 n. 24; id., *Financial Relations of the Papacy with England to 1327*, Cambridge, Mass. 1939, 312 n. 1.

²⁷ See Kuttner, *Conciliar Law ...*, 55 ff.; a French translation, with Latin annotations, from the conciliar redaction, was made known by Fournier, *L'accueil ...*, 256-258; see also Kuttner, *Conciliar Law ...*, 51, 80-81. Also apparently referring to this redaction is the report of the council in *Cronica S. Petri Erfordensis moderna** ed. O. Holder-Egger, Monumenta Erphesfurtensia saec. XII. XIII. XIV. (MGH, Script, rer. Germ, in us. sch.), Hanover and Leipzig 1899, 264-270 (see Kuttner, *Conciliar Law ...*, 78).

²⁸ See *Actenstücke zur Geschichte des deutschen Reiches ...*, ed. F. Kaltenbrunner (Mitteilungen aus dem Vatikanischen Archive, I), Vienna 1869, no. 52; Kuttner, *Conciliar Law ...*, 62. The scrolls are signed by the bishops of the individual nations, namely Italy, France, Germany, Ireland and Britain, Spain and Portugal, Provence, and the East, and by the abbots and priors of religious orders.

²⁹ See Kuttner, *Conciliar Law ...*, 54.

³⁰ The text is also printed in Bn² 111/2 (1618) 447-453; ER 28 (1644) 550-583; LC 11/1 (1671) 974-994; Hrd 7 (1714) 705-720; CI 14 (1731) 520-540; Msi 24 (1780) 81-102.

³¹ See Guiraud 576 (pp. 241-250).

z.vciten *Lyoner Konzils md des Liber Sextus*. Romische Quartalschrift 20/2 (1906) 81-87; J. Auer. *Studien zu den Refonnschriften fur das IL Lyoner Konzil*. Freiburg 1910; F. Ménindès, *Saint Bonaventure. les frères mineurs et l'unité de l'église au concile de Lyon de 1274*. La France franciscaine, Ser. IL 18 (1935) 363-392; H. J. Schroeder» *Disciplinary Decrees of tbe General Councils*. St. Louis» Mo, — London 1937» 324-364. 595-606; A. Fliche. *Le problème oriental au second conale oecuménique de Lyon (1274)*. Orient. Christ. Per. 13 (1947) 475-485; S. Kuttner, *Conciliar Law in the Making. The Lyonese Constitutions (1274) of Gregory X in a Manuscript of Washington*. Miscellanea Pio Paschini (Lateranum» N.S. 15), 11 Rome 1949, 39-81; A. Fliche, *La Chrétienté romaine. 1198-1274* (Histoire de l'église 10), Paris 1950, 487-503; R. Emery, *The Second Council of Lyons and the Mendicant Orders*. Catholic Historical Review 39 (1954) 257-271; L. Gatto, *11 pontificate di Gregorio X (1271-1276)*. Rome 1959. 82-97» 126-162; D. J. Geanakoplos, *Emperor Michael Palaeologus and the West. 1258-1282. .4 Study in Byzantine-Latin Relations*. Cambridge. Mass. 1959, 238-276; D. Nicol, *The Greeks and the union of the Churches. The preliminaries to the second council of Lyons 1261-1274*. Medieval Studies presented to Aubrey Gwynn, Dublin 1961» 454-480; B. Robert, *Die Union zvcischen dergnechischen und der Liteimschen Kirche aufdem IL Konzil von Lyon (1274)*, Bonn 1964; A. Franchi, *II concilio II di Lione (1274) secondo la Ordinatio Concilii generalis Lugdunensis*. Rome 1965; H. Wolter and H. Holstein, *Lyon I et Lyon II* (Histoire des Conciles 7), Paris 1966; M. Mollat and P. Tombeur. *Les conciles Lyon I et Lyon II: Concordance, index, listes de fréquence, tables comparatives* (Conciles oecuméniques médiévaux 2), Louvain 1974; V. Laurent and J. Darrouzès, *Dossier Grec de l'Union de Lyon (1273-1277)*. Archives de POrient Chrétien 16, Paris 1976; J. Gill, *Byzantium and the Papacy 1198-1400* (Neve Brunswick 1979) 120-141; J. Hussey, *The Orthodox Church in the Byzantine Empire* (Oxford 1986) 229-235.

TEXT AND TRANSLATION

TEXT AND TRANSLATION

CONSTITUTIONES

F

[1a]. Zelus fidei, fervor devotionis et compassionis pietas excitare debent corda fidelium, ut omnes qui christiano nomine gloriantur, de sui contumelia Redemptoris tacti dolore cordis intrinsecus², potenter et patenter exsurgant ad Terrae sanctae praesidium et adiutorium causae Dei. Quis verae fidei luce perfusus, pia mente revolvens eximia beneficia quae 5 salvator noster in Terra sancta humano genere contulit, devotione non ferveat et caritate non ardeat et illi Terrae sanctae, quae funiculus est hereditatis dominicae³, ex intimis visceribus et toto mentis non compatiatur affectu? Cuius cor non emollient ad compassionem ipsius, a creatore nostro in terra ipsa tot Judicia caritatis ostensa? Sed heu, proh dolori 10 ipsa terra, in qua Dominus salutem nostram dignatus est operari⁴ et quam, ut hominem commercio mortis suae redimeret, proprio sanguine consecravit, per nefandissimos hostes nominis christiani blasphemos et perfidos Sarracenos, audacia secuta, occupata diutius, et temere detinetur et intrepide devastatur. Trucidatur in ea inhumaniter populus Christianus et u ad maiorem contumeliam creatoris et iniuriam et dolorem omnium qui fide catholica profitentur. Ubi sit Deus Christianorum? ⁵improperant multis opprobriis, christicolas insultantes. Ista et alia, quae circa hoc nec animus sufficit plene concipere vel lingua referre, accenderunt cor nostrum et excitaverunt animum ut nos, qui in transmarinis partibus praemissa non 20 tantum audivimus sed *oculis nostris aspeximus et manus nostrae contractaverunt*^{*}, exsurgeremus^{*} quantum se possibilitatis nostrae conatus extendit, ad vindicandam iniuriam crucifixi, illorum interveniente auxilio, quos ad hoc zelus fidei et devotionis accendet. Et quia praefatae Terrae liberatio tangere debet omnes, qui fidem catholicam profitentur, concilium mandavimus evocari, ut deliberatione habita in eodem cum praelatis, regibus et principibus et aliis prudentibus viris, illa statueremus et ordinaremus in Christo, per quae dictae Terrae liberatio proveniret et nihilominus reducerentur Graecorum populi ad ecclesiae unitatem, qui 30 superba cervice nitentes scindere quodam¹¹¹¹¹ o inconsutilem Domini tunicam, se a sedis apostolicae devotione ac oboedientia subtraxerunt, et reformarentur mores, qui sunt peccatis exigentibus et clero et populo quam plurimum deformati, illo in praemissis omnibus nostros actus et consilia dirigente, cui nihil est impossibile⁷, sed cum vult res difficiles faciles facit et aspera, sua virtute complanans prava, dirigit in directa⁸. Sane ut praemissa perduci possent liberius ad effectum, attendentes guerrarum pericula et viarum discrimina, quae subire poterant illis, quos ad idem concilium duximus evocandos, nobis et nostris fratribus non parcentes sed appetentes labores spontaneos, ut quietem aliis praeparare

» exsurgentes *F*

40

¹ Const, haec plures in unam praebet, de quibus cf. Kuttner 47-48; c. 1 in BN.

¹ Cf. Gn 6, 6. ¹ Cf. Ps 104,11. « Cf. Ps 73,12. ¹ Cf. Ps 113, 2.

¹ ¹ Io 1,1. ¹ Cf. Le 1, 37. · Cf. Is 40, 4; Lc 3, 5.

CONSTITUTIONS

1'

[1a]. Zeal for the faith, fervent devotion and compassionate love ought to rouse the hearts of the faithful, so that all who glory in the name of Christian, grieved to the heart² by the insult to their redeemer, should rise vigorously and openly in defence of the holy Land and support for God's cause. Who, filled with the light of the true faith and thinking over with filial affection the marvellous favours conferred on the human race by our saviour in the holy Land, would not burn with devotion and charity, and sorrow deeply with that holy Land, portion of the Lord's inheritance?³ Whose heart will not soften with compassion for her, from so many proofs of love given in that land by our creator? Alas! the very land in which the Lord deigned to work our salvation⁴ and which, in order to redeem humanity by payment of his death, he has consecrated by his own blood, has been boldly attacked and occupied over a long period by the impious enemies of the Christian name, the blasphemous and faithless Saracens. They not only rashly retain their conquest, but lay it waste without fear. They slaughter savagely the Christian people there to the greater offence of the creator, to the outrage and sorrow of all who profess the catholic faith. "Where is the God of the Christians?"⁵ is the Saracens' constant reproach, as they taunt them. Such scandals, which neither mind can fully conceive nor tongue tell, inflamed our heart and roused our courage so that we, who from experience overseas have not only heard of those events but *have looked with our eyes and touched with our hands*\ might rise to avenge, as far as we can, the insult to the crucified one. Our help will come from those afire with zeal of faith and devotion. Because the liberation of the holy Land should concern all who profess the catholic faith, we convoked a council, so that after consultation with prelates, kings, princes and other prudent men, we might decide and ordain in Christ the means for liberating the holy Land. We also proposed to lead back the Greek peoples to the unity of the church; proudly striving to divide in some way the Lord's seamless tunic, they withdrew from devotion and obedience to the apostolic see. We purposed also a reform of morals, which have become corrupt owing to the sins of both clergy and people. In everything we have mentioned, he to whom nothing is impossible⁷ will direct our acts and counsels; when he wills, he makes what is difficult easy, and levelling by his power the crooked ways, makes straight the rough going⁸. Indeed, in order the more readily to effect our plans, having regard to the risks from wars and dangers of journeys for those whom we judged should be summonsd to the council, we did not spare ourself and our brothers but rather sought hardships so that we might arrange rest for others. We came to the city of Lyons with our brothers and curia,

¹ This one constitution is really composed of several, on which see Kuttner 47-48; const. 1 in BN.

² See Gn 6. 6. ³ See Ps 104, 11. ⁴ See Ps 73, 12. ⁵ See Ps 113, 2.

⁶ *I Jnl*, 1. ⁷ See Lk 1, 37. ⁸ See Is 40. 4; Lk 3, 5.

possemus, ad civitatem Lugdunensem, in qua credebamus ad concilium evocatos minori onere laborum et expensarum convenire, accessimus cum fratribus nostris et curia nostra, periculis variis ac diversis incommoditatibus et multis discriminibus praegravati, ubi convenientibus tam per
 5 se quam per procuratores idoneos universis ad ipsum concilium evocatis, frequenter de praefatae Terrae subsidio deliberavimus cum eisdem, et* quod debuerint, ad vindictam iniuriae Salvatoris accensi, pro ipsius Terrae succursu, vias excogitantes laudabiles probatu, dederunt consilia et discreta.

[1b]. Nos autem auditis eorum consiliis, ipsorum voluntates et affectus
 jo laudabiles, quos ostendunt de Terrae liberatione praedictae, merito commendamus. Sed ne in humeros hominum onera gravia et importabilia imponere videamur, quae digito nostro movere nolimus¹, incipientes a nobis ipsis, quib' profitemur nos omnia quae habemus possidere ab unigenito Dei filio Iesu Christo, cuius munere vivimus, cuius beneficio sustentamur,
 is quin etiam cuius sanguine redempti sumus, nos et fratres nostri sanctae Romanae ecclesiae cardinales plenarie usque ad VI. annos continuos de omnibus redditibus, fructibus et proventibus nostris ecclesiasticis pro praedictae Terrae subsidio decimam persolvamus, approbante hoc sacro concilio, statuentes et ordinantes quod usque ad praedictos VI. annos,
 m ab instanti festo nativitatis beati Ioannis Baptistae proximo continue numerandos, ab omnibus personis ecclesiasticis, quacumque dignitate praefulgeant seu cuiuscumque praeeminendae, conditionis vel ordinis aut status religionis vel ordinis, quibus et eorum ecclesiis⁰ nulla privilegia vel indulgentias sub quacumque verborum forma vel expressione concessa volumus
 25 suffragari sed ea quae adhuc*¹ concessimus⁰ penitus revocamus, de omnibus redditibus, fructibus et proventibus ecclesiasticis anni cuiuslibet, terminis infrascriptis, medietas scilicet in festo nativitatis Domini et alia medietas in festo beati Ioannis Baptistae, integre sine diminutione qualibet decima persolvatur. Ut ei, cuius negotium agitur, reverentia debita in se ac sanctis
 30 suis et praecipue in Virgine gloriosa, quorum in his et aliis suffragio utimur, servetur attentius, sitque' plenior Terrae subventio praedictae, constitutionem felicitis recordationis Gregorii papae² praedecessoris nostri contra blasphemos editam praecipimus inviolabiliter observari, poenamque pecuniarum in ipsa statutam per potestates locorum, in quibus blasphemias committitur, ceterosque qui inibi jurisdictionem temporalem
 as exercent, coactiones, si necesse fuerit, per dioecesanos et aliorum locorum ordinarios, ad exhibenda integraliter exigi et dicti subsidii collectoribus assignari in idem subsidium convertenda. Confessoribus insuper ex parte ordinaria vel ex privilegio confessiones audientibus districte mandamus,
 <° ut confitentibus sibi suggerant et iniungant, quod de pecunia praedicta eidem Terrae plenariam satisfactionem impendant; inducant etiam confitentes ultimas voluntates, quod in testamentis suis pro modo facultatum suarum aliquid de bonis suis pro subsidio Terrae sanctae relinquunt.

» et *F* ut *O* b qui *F* quod *O* c aliqui *F* d ad hoc *F* = cuiusque *F*

¹ Cf. Mt 23, 4. » Cf. c. 2 X. V 26 (Fr 2, 826-827).

believing that in this place those summoned to the council might meet with less exertion and expense. We came undertaking various dangers and troubles, running many risks, to where all those summoned to the council were assembled, either in person or through suitable representatives. We held frequent consultations with them about help for the holy Land, and they, zealous to avenge the insult to the Saviour, thought out the best ways to succour the said Land and gave, as was their duty, advice and insight.

[1b]. Having listened to their advice, we rightly commend their resolutions and praiseworthy enthusiasm for the liberation of that Land. Lest, however, we seem to lay on others' shoulders heavy burdens, hard to bear, which we are unwilling to move with our finger¹, we begin with ourself; declaring that we hold all we have from God's only-begotten Son, Jesus Christ, by whose gift we live, by whose favour we are sustained, by whose blood even we have been redeemed. We and our brothers, the cardinals of the holy Roman church, shall pay fully for six successive years a tenth of all our ecclesiastical revenues, fruits and incomes for the aid of the holy Land. With the approval of this sacred council, we decree and ordain that for the said six years, beginning from the next feast of the birthday of blessed John the Baptist, all ecclesiastical persons of whatever rank or pre-eminence, condition, order, or religious state or order — and we wish none to invoke for themselves and their churches any privileges or induits, in whatever form of words or expression these were granted, rather we recall completely those we have granted till now — shall pay wholly and without any reduction a tenth of all ecclesiastical revenues, fruits and incomes of each year in the following way: that is, half on the feast of the Lord's birth and the other half on the feast of blessed John the Baptist. In order to observe more carefully the reverence due to him whose undertaking this is, in himself and in his saints and especially in the glorious Virgin whose intercession we ask in this and in our other needs, and in order that there may be a fuller subsidy for the holy Land, we order that the constitution of Pope Gregory² our predecessor of happy memory against blasphemers be inviolably observed. The fines prescribed in this constitution are to be exacted in full through the authorities of the place where blasphemy is committed, and through others who exercise temporal jurisdiction there. Coercive measures, if necessary, are to be taken through diocesan and other local ordinaries. The money is to be assigned to the collectors for the subsidy. Moreover, we strictly command confessors who hear confessions by ordinary jurisdiction or by privilege to prompt and enjoin on their penitents to give the said money to the holy Land in full satisfaction for their sins; and they should persuade those making wills to leave, in proportion to their means, some of their goods for aid to the holy Land. We direct also that in

¹ See Mt 23, 4. ² See ch. 2 *Decretali* V 26 (Fr 2, 826-827).

In singulis nihilominus ecclesiis truncum concavum poni praecipimus tribus clavibus consignatum, prima penes episcopum, secunda penes ecclesiae sacerdotem, tertia penes aliquem religiosum laicum conservandis, et in eo fideles quilibet, iuxta quod Dominus eorum mentibus inspiraverit, suas eleemosynas ponere in remissionem suorum peccaminum 5 moneantur et in ipsis ecclesiis semel in hebdomade pro remissione huiusmodi peccatorum et praesertim offerentium eleemosynas certa die, quantum sacerdos pronuntiet populo, missa publice decantetur. Praeter haec ut Terrae sanctae plenius succurratur, exhortamur et suadere intendimus monitis et exhortationibus reges et principes, marchiones, comites et w barones, potestates, capitaneos et alios quoscumque terrarum duces, ut ordinetur in terris suis cuiuslibet jurisdictioni eorum subiectis, quod a singulis fidelibus unus denarius ad valorem Turonensis vel unius sterling! iuxta consuetudinem vel condicionem regionis, et alia modica sine cuius- 15 cumque gravamine in remissione peccaminum iniungentes, annis singulis in ipsius Terrae subsidium persolvatur, ut sicut nullus excusare se potest, quin teneatur compati statui miserabili Terrae sanctae, sic nec aliquis excutiatur subsidio nec a merito excludatur. Etiam ne, quod provide ordinatum est de praedictae Terrae subsidio, impediri contingat fraude vel malitia vel ingenio alicuius, excommunicamus et anathemizamus 20 omnes et singulos, qui scienter impedimentum praestiterint, directe vel indirecte, publice vel occulte, quominus praestentur decimae, sicut superius est expressum, in praedictae Terrae subsidium.¹

[1 c]. Ceterum quia cursarii et piratae nimium impediunt capiendo et spoliando transeuntes ad illam et redeuntes de illa, nos eos et principales adiu- 25 tores et fautores eorum excommunicationis vinculo innodamus, sub interminatione anathematis inhibentes, ne quis cum eis communicet scienter in aliquo contractu venditionis vel emptionis. Iniungimus etiam rectoribus civitatum et locorum, ut eos ab iniquitate revocent et compescant, alioquin in terra ipsorum per ecclesiarum praelatos severitatem ecclesiasticam volu- 30 mus exerceri. Excommunicamus praeterea et anathemizamus eos falsos et impios Christianos, qui contra Christum et populum Christianum Saracenis arma et ferrum, quibus christianos impugnant, et lignamina galearum et aliorum vasorum navigalium deferunt, et eos etiam qui galeas eis vendunt vel naves, quique in piraticis Sarracenorum navibus curam 35 gubernationis exercent vel in machinis aut quibuslibet aliis aliquod eis impendunt consilium vel auxilium in Christianorum dispendium, specialiter Terrae sanctae, ipsos rerum suarum privatione mulctari et capientium servos fieri censemus. Praecipientes ut per omnes urbes maritimas diebus dominicis et festivis huiusmodi sententia publice innovetur et talibus 40 ecclesiae gremium non aperiatur, nisi totum quod de commercio tam damnato perceperint et tantundem de suo in subsidium Terrae sanctae transmittant, ut aequo iudicio in quo delinquant, puniantur. Quod si

a per quae *F*

¹ Cf. supra p. 305 n. 13.

cadi church (here should be placed a box fined with three keys, the first to be kept in the possession of the bishop, the second in that of the priest of the church, the third in that of some conscientious lay person. The faithful are to be instructed to place their alms, as the Lord inspires them, in this box for the remission of their sins. Mass is to be sung publicly in the churches once a week, on a certain day to be announced by the priest, for the remission of such sins and especially of those offering alms. Besides these measures, to provide more assistance for the holy Land, we exhort and urge kings and princes, marquises, counts and barons, magistrates, governors and other secular leaders to arrange that in the lands subject to their jurisdiction each of the faithful pays a coin to the value of a tournois or of one sterling in accordance with the customs or circumstances of the region, and they should order a further small tax of no burden to anyone for the remission of sins; these contributions are to be made each year in aid of the holy Land, so that just as nobody may excuse himself from compassion for the wretched state of the holy Land, nobody may be dismissed from contributing or shut out from meriting. Also, lest these prudent arrangements concerning the subsidy to the holy Land be hindered by anyone's fraud or malice or craft, we excommunicate and anathematise one and all who knowingly offer hindrance, directly or indirectly, publicly or secretly, to the payment, as described above, of the tithes in aid of the holy Land.¹

[1c]. Furthermore, since corsairs and pirates greatly impede those travelling to and from that Land, by capturing and plundering them, we bind with the bond of excommunication them and their principal helpers and supporters. We forbid anyone, under threat of anathema, knowingly to communicate with them by contracting to buy or sell. We also order rulers of cities and their territories to restrain and curb such persons from this iniquity; otherwise it is our wish that prelates of churches exercise ecclesiastical severity in their land. We excommunicate and anathematise, moreover, those false and impious Christians who, in opposition to Christ and the Christian people, convey to the Saracens arms and iron, which they use to attack Christians, and timber for their galleys and other ships; and we decree that those who sell them galleys or ships, and those who act as pilots in pirate Saracen ships, or give them any help or advice by way of machines or anything else to the detriment of Christians and especially of the holy Land, are to be punished with deprivation of their possessions and are to become the slaves of those who capture them. We order this sentence to be renewed publicly on Sundays and feast-days in all maritime towns; and the bosom of the church is not to be opened to such persons unless they send in aid of the holy Land all that they received from this damnable commerce and the same amount of their own, so that they are punished in proportion to their sins. If perchance they do not pay, they are to be punished in other ways in order that

¹ See above p. 305 n. 13.

forte solvendo non fuerint, sic alias reatus talium castigetur, quod in poena ipsorum aliis interdicator audacia, similia praesumendi. Prohibemus insuper omnibus Christianis et sub anathemate interdiciamus, ne in terris Sarracenorum, qui partes orientales inhabitant, usque ad VI. annos transmeant aut transvehant naves suas, ut per hoc volentibus transfretare in subsidium Terrae sanctae maior copia navigii praeparetur et Sarracenis subtrahatur auxilium, quod eis consuevit ex hoc non modicum provenire. Et quia ad hoc negotium prosequendum permaxime est necessarium, ut principes et fidei christiani ad invicem pacem observent, hac sancta universali synodo approbante statuimus, ut in toto orbe inter christianos pax generaliter observetur ita, quod per ecclesiarum praelatos discordantes ducantur ad plenam concordiam sive pacem aut ad firmam treugam per VI. annos inviolabiliter observandam; et qui acquiescere forte contempserint, per excommunicationis sententiam in personas et interdictum in terras arctissime compellantur, nisi tanta fuerit iniuriarum malitia, quod tali non debeant pace gaudere. Quod si forte censuram ecclesiasticam vilipenderint, poterunt non immerito formidare, ne per auctoritatem ecclesiae contra eos tamquam perturbatores negotii crucifixi saecularis potentia inducatur. Nos igitur de omnipotentis Dei misericordia et beatorum Petri et Pauli auctoritate confisi, ex illa quam nobis licet indignis Deus ligandi atque solvendi contulit potestate, omnibus qui transfretandi pro subsidio Terrae sanctae in propriis personis laborem subierint et in expensis, plenam suorum peccaminum, de quibus veraciter fuerint corde contriti et ore confessi, veniam indulgemus et retributionem iustorum, salutis aeternae pollicemur augmentum. Eis autem, qui non in propriis personis illic accesserint, sed in suis dumtaxat expensis iuxta facultatem et qualitatem suam viros idoneos destinaverint, et illis similiter qui licet in alienis expensis in propriis tamen personis accesserint, plenam suorum concedimus veniam peccatorum. Huiusmodi quoque remissionis volumus et concedimus esse participes, iuxta qualitatem subsidii et devotionis affectum, omnes qui ad subventionem ipsius Terrae de bonis suis congrue ministrabunt aut circa praedicta consilium et auxilium impenderint oportunitate, nec non omnes illos qui pro subsidio Terrae sanctae naves proprias exhibebunt aut eos qui propter hoc opus naves studuerint fabricare; omnibus etiam pie proficientibus in hoc opere pia et sancta universalis synodus orationum et beneficiorum suffragium impertitur, ut eis digne proficiat ad salutem.¹

[Id]. Non nobis sed Domino damus gloriam^{b2} et honorem et ipsi gratias reddamus, quod ad tam sacrum concilium patriarcharum, primatum^{ll}, archiepiscoporum, episcoporum, abbatum, priorum, praepositorum, decanorum, archidiaconorum et aliorum ecclesiarum praelatorum^l tam per se quam per procuratores idoneos, nec non capitulorum,

» *add. F* b sed ... gloriam] sed damus gloriam Domino *O* c reddimus *O*
d *post* episcoporum *in O* = praelatorum ecclesiarum *O*

¹ Cf. cone. Lat. IV, c. [71] et cone. Lugd. I, c. [5] (v. supra pp. 267-271 et 297-301).

» Cf. Ps 113,1.

through their punishment others may be deterred from venturing upon similar rash actions. In addition, we prohibit and on pain of anathema forbid all Christians, for six years, to send or take their ships across to the lands of the Saracens who dwell in the east, so that by this a greater supply of shipping may be made ready for those wanting to cross over to help the holy Land, and so that the aforesaid Saracens may be deprived of the considerable help which they have been accustomed to receiving from this. Because it is of the utmost necessity for the carrying out of this business that rulers and Christian peoples keep peace with each other, we therefore ordain, with the approval of this holy and general synod, that peace be generally kept in the whole world among Christians, so that those in conflict shall be led by the prelates of churches to observe inviolably for six years a definitive agreement or peace or a firm truce. Those who refuse to comply shall be most strictly compelled to do so by a sentence of excommunication against their persons and an interdict on their lands, unless the malice of the wrongdoers is so great that they ought not to enjoy peace. If it happens that they make light of the church's censure, they may deservedly fear that the secular power will be invoked by ecclesiastical authority against them as disturbers of the business of him who was crucified. We therefore, trusting in the mercy of almighty God and in the authority of the blessed apostles Peter and Paul, do grant, by the power of binding and loosing that God has conferred upon us, albeit unworthy, unto all those who undertake this work of crossing the sea to aid the holy Land, in person and at their own expense, full pardon for their sins about which they are truly and heartily contrite and have spoken in confession, and we promise them an increase of eternal life at the recompensing of the just. To those who do not go there in person but send suitable men at their own expense, according to their means and status, and likewise to those who go in person but at others' expense, we grant full pardon for their sins. We wish to grant to share in this remission, according to the nature of their help and the intensity of their devotion, all who shall contribute suitably from their goods to the aid of the said Land, or who give useful advice and help regarding the above, and all who make available their own ships for the help of the holy Land or who undertake to build ships for this purpose. Finally, this dutiful and holy general synod imparts the benefit of its prayers and blessings to all who piously set out on this enterprise in order that it may contribute to their salvation.¹

[Id]. Not to us but to the Lord we give glory² and honour; let us also thank him that to so sacred a council a very great number of patriarchs, primates, archbishops, bishops, abbots, priors, provosts, deans, archdeacons and other prelates of churches, both personally and by suitable procurators, and the

¹ See Lateran council IV, const. [71], and council of Lyons I, const. [5] (see above pp. 267-271 and 297-301).

² Sec Ps 113, 1.

collegiorum et* conventuum*⁵ procuratorum*⁵ ad vocationem nostramc
 copiosa multitudo convenit. Sane licet pro felici prosecutione tanti
 negotii esset eorum consilium oportunum et in ipsorum tanquam dilec-
 torum filiorum praesentia delectemur et quodammodo*^l spirituali gaudio
 affluamus, contra nonnullos tamen eorum', propter varia incommoda s
 quae ipsorum* copiositas ingerit, ne prae turba nimia se diutius compri-
 mant et eorum absentia ipsis et ipsorum ecclesiis posset esse damnosa,
 quadam provida pietate commoti, de fratrum nostrorum consilio super
 hoc salubriter providere decrevimus, ut sic eorum⁴ gravaminibus occur-
 ratur, quod prosecutio huius negotii, quod ferventi spiritu et sollicitudine 10
 indefessa prosequimur, nullatenus derogetur. Omnes igitur patriarchas,
 primates, archiepiscopos, episcopos[^], abbates eta priores per nos nomi-
 narim et specialiter evocatos sic remanere decrevimus, ut ante diffinitum
 concilium absque nostra speciali licentia non discedant. Ceteris vero
 abbatibus et prioribus non mitratis et aliis abbatibus et prioribus^l*, qui 15
 per nos non fuerunt* nominatim^k et specialiter evocati, necnon praeposi-
 tis, decanis, archidiaconis et aliis ecclesiarum* praelatis ac quorumqueTM
 praebiorum, capitulorum, collegiorum et conventuum procuratoribus,
 recedendi ex Dei et nostra benedictione⁰ clementer licentiam impertimur;
 mandantes ut omnes taliter⁰ recedentes? primitus, prout infra scribitur, 20
 procuratores sufficientes dimittant, ad suscipienda nostra mandata et ea
 quae in praesenti nostro concilio*[!] ordinata sunt et in futurum auctores
 Domino contigerit ordinari. Omnes⁵ scilicet* de regno Franciae taliter
 recedentes quattuor, de regno Alamaniae quattuor[^], de regnis Yspaniarum
 quattuor, de regno Angliae quattuor, de regno Scotiae unum[“], de regno a
 Siciliae duos, de Lambardia duos, de Tuscia unum, de terris ecclesiae
 unum, de regno Norbегiae unum, de regno Suevbe unum, de regno
 Ungariae unum', de regno Daciae unum, de regno Boemiae unum^w, de
 ducatu Poloniae unum, procuratores sufficientes dimittant. Ad haecx ad
 nos ex quorundam relatione pervenit, quod nonnulli archiepiscopi et 30
 episcopi alique praelati, ea occasione quod ipsos ad concilium mandavi-
 mus evocari, petentes a subditis immoderatum subsidium, multa extor-
 serunt ab eis, graves ipsis tallias imponentes; quorum aliqui, licet a
 subiectis multa exegerint, ad concilium non venerunt. Verumtamen cum?
 nostrae intentionis² non exstiterit nec exsistat, ut praelati ad concilium 35
 veniendo sociarent oboedire bonum cum gravamine subditorum, mone-
 mus praelatos omnes et singulos, cis firmiter innuentes, quatinus nullus
 eorum occasione praemissa subditos suos talliis vel? exactionibus gravare

> om. O b procuratorum conventuum B7 c ad ... nostram] advocatorum O
 d quorundam B7 e contra ... eorum] circa illos» tum (i
 t multitudo et add. O g om. B* h non mitratis ... prioribus om. B7
 i fuerant O con. K nominati OB' l eorum B7 m quorumlibet O
 n a... benedictione] Dei gratia et benedictione nostra O o qualiter {posita corr. aequaliter) B7
 P excedentes B7 q in ... concilio] praesentia nostra concilio O
 actore O » mandamus O c ut add. F a de ... unum om. B7
 de regno Siciliae ... unum om. O w etc. add. O
 Ad haec ... apponatur om. O 7 con. K om. B7 z K interdictionis B7

procurators of chapters, colleges and convents, have assembled at our call. However, although for the happy pursuit of so great an enterprise their advice would be useful, and their presence as beloved sons is so delightful, filling us in a certain way with spiritual joy, there are difficulties for some as to staying on. Various inconveniences result from their great number; we do not wish them to suffer any longer the squeezing of the enormous crowd; and their absence may be harmful to them and their churches. A certain prudent love moves us to decide with our brothers' advice how to lighten the burden of these representatives, while pursuing our object no less ardently or zealously. We therefore have decided that all patriarchs, primates, archbishops, bishops, abbots and priors whom we summoned specially and by name are to remain; they are not to depart without our special leave before the council ends. The other non-mitred abbots and priors and the otherⁿ abbots and priors, who were not summoned by us specially and by name, and the provosts, deans, archdeacons and other prelates of churches, and the procurators of any prelates, chapters, colleges and convents, have our gracious leave to depart with the blessing of God and our own. We commission all who so depart to leave enough procurators, as described below, to receive our commands and both the decrees of our present council and any other decrees that may, with God's inspiration, be issued in the future. Thus, all so departing are to leave behind the following adequate number of procurators: namely, four from the realm of France, four from the realm of Germany, four from the realms of the Spains, four from the realm of England, one from the realm of Scotland", two from the realm of Sicily, two from Lombardy, one from Tuscany, one from the states of the church, one from the realm of Norway, one from the realm of Sweden, one from the realm of Hungary', one from the realm of Dacia, one from the realm of Bohemia, one from the duchy of Poland. Furthermore,* it has come to our ears that some archbishops, bishops and other prelates, when they were summoned by us to the council, asked an excessive contribution from their subjects and committed great extortion, imposing heavy taxes on them. Some of these prelates, although they made great exactions, did not come to the council. Since it neither was nor is our intention that prelates in coming to the council should associate the virtue of obedience with the oppression of their subjects, we admonish prelates one and all with great firmness, that none may presume to use the council as a pretext for burdening his subjects with taxes or exactions. If in fact some prelates have not

ⁿ non-mitred ... other *omitted in W*

^u one from the realm of Scotland *omitted in W*

* two from the realm of Sicily ... Hungary *omitted in O*

¹ Furthermore ... by our authority *omitted in O*

praesumat. Si vero aliqui non venerunt ad concilium et a subditis suis ea occasione aliquid exegerint, volumus et praecise mandamus quod ea occasione quae receperunt ab eis, restituant sine mora. Illi autem qui gravaverunt subditos, ab eis subsidia immoderata petendo, eisdem satisfacere sine qualibet difficultate procurent*, mandatum nostrum taliter impleturi, quod non oporteat ut super hoc auctoritate nostra remedium apponatur.¹

II

De summa Trinitate et fide catholica

1? Fideli ac devota professione fatemur, quod Spiritus sanctus aeternaliter ex Patre et Filio, non tanquam ex duobus principiis, sed tanquam ex uno principio, non duabus spirationibus, sed unica spiratione, procedit. Hoc professa est hactenus, praedicavit et docuit, hoc firmiter tenet, praedicat, profitetur et docet sacrosancta Romana ecclesia, mater omnium fidelium et magistra; hoc habet orthodoxorum patrum atque doctorum,

quia nonnulli, propter irrefragabilis praemissae ignorantiam veritatis, in errores varios sunt prolapsi, nos huiusmodi erroribus viam praeccludere cupientes, sacro approbante concilio, damnamus et reprobamus omnes qui negare praesumpserint, aeternaliter Spiritum sanctum ex Patre et Filio procedere, sive etiam temerario ausu asserere, quod Spiritus sanctus ex Patre et Filio tanquam ex duobus principiis et non tanquam ex uno procedat.³

De electione et electi potestate[^]

2? Ubi periculum maius intenditur, ibi procul dubio est plenius consulendum. Quam gravibus autem sit onusta dispendiis, quot et quantis sit plena periculis ecclesiae Romanae prolixa vacatio, exacti temporis consideratio edocet et considerata prudenter⁰ illius discrimina manifestant. Hinc nos evidens evocat ratio ut, dum reformandis etiam minoribus nostra sollerter vacet⁰ intentio, ea quae periculosiora sunt, nequaquam absque remedio reformationis accomode relinquamus. Ideoque omnia,
» quae pro vitanda discordia in electione Romani pontificis a nostris sunt praedecessoribus et praecipue a felicis recordationis Alexandro papa tertio⁵ salubriter instituta, omnino immota in sua firmitate manere censes, nihil enim illis detrachere intendimus, sed quod experientia deesse probavit, praesenti constitutione supplere. Sacro concilio approbante',
as statuimus ut, si eundem pontificem in civitate, in qua cum sua curia residebat, diem claudere contingat extremum, cardinales qui fuerint in

■ *con. K* procurrent *ÎF*

b Universis praesentes litteras inspecturis miseratione-divina (*mis. div. om. Vf*) ... (*li-
quuntur nomma, de quibus cf. suprap. 307 n. 28*) in salutis auctore salutem (salutem in sal. auct.
40 *V 3* salutem in auct. sal. *V 5*). Praesenti scripto fatemur nos vidisse ac diligenter inspexisse constitutionem sanctissimi patris (*sanet, pat. om. V 1, 7-8*) domini nostri domini Gregorii divina providentia papae decimi subscripti tenoris

' temporis *add. I'* d vacat *V* e sacro ... approbante *om. VW*

¹ Cf. Martin 1773. ' c. 29 in BN. 1 c. 1 I 1 in (Fr 2,937).

⁴ c. 14 in BN. * Cf. conc. Lat. III, c. 1 (v. supra p. 211).

come to the council and have made demands on the pretext of coming, it is our will and precise command that they make restitution without delay. Those however who have oppressed their subjects, demanding excessive contributions, should take care to make amends to them without creating difficulties, and so fulfil our commands that we do not have to apply a remedy by our authority.¹

II

On the supreme Trinity and the catholic faith

1.² We profess faithfully and devotedly that the holy Spirit proceeds eternally from the Father and the Son, not as from two principles, but as from one principle; not by two spirations, but by one single spiration. This the holy Roman church, mother and mistress of all the faithful, has till now professed, preached and taught; this she firmly holds, preaches, professes and teaches; this is the unchangeable and true belief of the orthodox fathers and doctors, Latin and Greek alike. But because some, on account of ignorance of the said indisputable truth, have fallen into various errors, we, wishing to close the way to such errors, with the approval of the sacred council, condemn and reprove all who presume to deny that the holy Spirit proceeds eternally from the Father and the Son, or rashly to assert that the holy Spirit proceeds from the Father and the Son as from two principles and not as from one.³

On election and the power of the elected person⁴

2.4 Where there is greater danger, there must certainly be greater foresight. We learn from the past how heavy are the losses sustained by the Roman church in a long vacancy, how perilous it is; we see this all too clearly when we wisely consider the crises undergone. Reason therefore openly challenges us, while we devote ourselves skilfully to the reform of lesser evils, certainly not to leave without appropriate remedy those of greater danger. We judge therefore that everything wisely instituted by our predecessors and especially by Pope Alexander II⁵ of happy memory, for avoiding discord in the election of the Roman pontiff, should remain altogether intact. We intend in no way to detract from this legislation, but to supply by the present constitution what experience has shown to be missing.

With the approval of the sacred council⁶, we decree that if the pope dies in a city where he was residing with his curia, the cardinals present in that city are

b To all who by God's mercy (by God's mercy *omitted in V 8*) will see this present letter ... (the names follow, for which see above p. 307 n. 28) greetings in the author of salvation (the same words in a different order in V 3, 5). By this writing we bear witness that we have seen and carefully examined the constitution of the most holy father (the most holy father *omitted in V 1, 7-8*), our lord the lord Gregory X by divine providence pope, of the following tenor V
e With the approval ... council *omitted in VW*

¹ See Manin 1773. ² const. 29 in BN. J ch. 1 I 1 Sext (Fr 2, 937).

⁴ const. 14 in BN. ⁵ See Lateran council III, canon 1 (see above p. 211).

civitate ipsa praesentes, absentes expectore decem diebus tantummodo teneantur. Quibus elapsis, sive absentes venerint sive non, extunc omnes convenient in palatio, in quo idem pontifex habitabat, contenti singuli singulis tantummodo servientibus, clericis vel laicis*, prout duxerint eligendum. Illis tamen quibus patens necessitas id suggerit indulgeri, 5 duos habere permittimus, eiusdem electionis arbitrio reservato. In eodem autem palatio unum conclave, nullo intermedio pariete⁶ seu alio velamine, omnes habitent* in communi, quod servato libero ad secretam cameram aditu, ita claudatur undique, ut nullus illud intrare valeat vel exire; nulli ad eosdem cardinales aditus pateat vel facultas secrete lo- 10 quendi cum eis; nec ipsi aliquos ad se venientes admittant, nisi eosd, quid de voluntate omnium cardinalium inibi praesentium, pro iis tantum quae ad electionis instantis negotium pertinent, vocarentur. Nulli etiam fas sit* ipsis cardinalibus vel eorum alicui nuntium mittere vel scripturam. Qui vero contra fecerit*, scripturam mittendo vel nuntium, aut cum 15 aliquo ipsorum secreto⁶ loquendo, ipso facto sententiam excommunicationis incurrat^l. In conclavi* tamen praedicto aliqua fenestra competens dimittatur, per quam eisdem cardinalibus ad victum necessaria commode ministrentur, sed per eam nulli ad ipsos patere possit ingressus. Verum si, quod absit, infra tres dies postquam, ut praedicitur, conclave prae- 20 dictum* iidem cardinales intraverint, non fuerit ipsim ecclesiae de pastore provisum, per spatium quinque dierum immediate sequentium, singulis diebus tam in prandio quam in cena uno solo^o ferculo sint contenti. Quibus provisione non facta decursis, extunc tantummodo panis, vinum et aqua ministrentur eisdem, donec eadem provisio subsequatur. « Provisionis quoque huiusmodi pendente negotio, dicti cardinales nihil de camera papae recipiant nec de aliis eidem ecclesiae tempore vacationis obvenientibus undecunque, sed ea omnia, ipsa vacatione durante, sub eius cuius fidei et diligentiae camera eadem est commissa, custodia maneant, per eum dispositioni^o futuri pontificis reservanda. Qui autem 30 aliquid receperint, teneantur extunc a perceptione quorumlibet reddituum ad ipsos spectantium abstinere, donec de receptis taliter plenariam^P satisfactionem impendant. Iidem^c quoque^o cardinales accelerandae provisioni sic vacent attentius, quod se nequaquam de alior negotio intromittant, nisi forsitan necessitas adeo urgens incideret, quod eos oporteret de terra 35 ipsius ecclesiae defendenda vel eius parte aliqua providere vel nisi aliquod tam grande⁵, tam evidens periculum immineret, quod omnibus et singulis cardinalibus praesentibus concorditer videretur illi celeriter occurrendum. Sane si aliquis de praedictis cardinalibus conclave praedictum, ut supra exprimitur', non intraverit aut intrans, absque manifesta <0

a contenti ... laicis] uno tantummodo serviente, clerico vel laico **m** 7

b cortina *add.* **V**3, 5-6

c inhabitent **lz** 1-6, 8

<l forsani aliqui **V**

* etiam fas sit] sit etiam copia **VIF**

f vel eorum alicui *om.* **K**7

g fecerint **V**5

h secrete **V**5-6

' incurrant **V**5

k conclave **R** conclavi **V**

l praefatum **V**2-8

m eidem **V**3

om. **V**4

o dispensationi **V**3

P *om.* **V**'5

9 ipsi vero **l**'

r aliquo **V**8

l grave **V**6, 8

t ut. <. exprimitur *om.* **V**3

obliged to await the absent cardinals, but for ten days only. When these days have passed, whether those absent have arrived or not, all are to assemble in the palace where the pope lived. Each is to be content with one servant only, clerical or lay, at choice. We allow however those in evident need to have two, with the same choice. In this palace all are to live in common in one room, with no partition or curtain. Apart from free entry to a private room, the conclave is to be completely locked, so that no one can enter or leave. No one may have access to the cardinals or permission to talk secretly with them, nor are they themselves to admit anyone to their presence, except those who, by consent of all the cardinals present, might be summoned only for the business of the imminent election. It is not lawful for anyone to send a messenger or a written message to the cardinals or to any one of them. Whoever acts otherwise, sending a messenger or a written message, or speaking secretly to one of the cardinals, is to incur automatic excommunication. In the conclave some suitable window is to be left open through which the necessary food may be served conveniently to the cardinals, but no entry for anyone is to be possible through this way.

If, which God forbid, within three days after the cardinals have entered the said conclave, the church has not been provided with a shepherd, they are to be content for the next five days, every day both at dinner and supper, with one dish only. If these days also pass without the election of a pope, henceforth only-bread, wine and water are to be served to the cardinals until they do provide a pope. While the election is in process, the cardinals are to receive nothing from the papal treasury', nor any other revenue coming from whatever source to the church while the see is vacant. Everything during this period remains in the custody of him to whose faithfulness and care the treasury has been entrusted, to be kept by him for the disposal of the future pope. Those who have accepted something are obliged from then on to abstain from receiving any of the revenues due to them until they have made full restitution of what they have accepted in this way. The cardinals are to devote their time so carefully to hastening the election as to occupy themselves with no other business whatever, unless perhaps there occurs such an urgent necessity as the defence of the states of the church or some part of them, or there be threat of such a great and evident danger that it seems to each and all the cardinals present, by general consent, that they should quickly counteract it.

Of course if one of the cardinals does not enter the conclave, which we have described above, or having entered leaves without evident cause of illness, the

causa infirmitatis, exierit, ipso minime requisito nec in eiusdem electionis negotio ulterius admittendo, per alios ad eligendum substituendum pontificem libere procedatur. Si vero, infirmitate superveniente, idem conclave aliquem ex eis exire contingat, ipsa etiam infirmitate durante, poterit
 5 eius suffragio non requisito, procedi. Sed si ad alios post sanitatem sibi redditam seu antea* redire voluerit, vel etiam si alii absentes, quos per decem dies diximus expectandos, supervenerint, nec integrac videlicet antequam eidem ecclesiae sit de pastore provisum, in eodem negotio, in illo statu in quo ipsum invenerintd, admittantur, praemissa tam de clausura
 10 quam de servientibus, cibo acc potu et reliquis cum aliis servaturi. Porro si quando Romanum pontificem extra civitatem praedictam, in qua erat cum sua curia residens, contigerit ab hac luce migrare, teneantur cardinales in civitate, in cuius territorio seu districtu idem pontifex obiit, convenire, nisi sit forsitan interdicta vel contra ecclesiam Romanam in aperta rebellionem persistat. Quo casu in alia viciniore convenient, quae similiter nec interdicto subiaceat nec sit, ut praedicatur, aperte rebellis. In hac etiam civitate, tam quoad expectationem absentium quam quoad habitationem communem, clausuram et cetera omnia^, in domo episcopali vel alia qualibetll eisdem cardinalibus deputanda, eadem* observentur quae superius, obeunte dicto pontifice in eak in qua cum sua residebat curia, sunt expressa. Praeterea quia parum est iura condere, nisi sit qui eadem tueatur, adiciendo sancimus ut dominus alique rectores et officiales civitatis illius, in qua Romani pontificis celebranda fuerit electio"l auctoritate nostra et eiusdem approbatione" concilii potestate sibi tradita, praemissa omnia et singula plene ac inviolabiliter, sine fraude ac dolo aliquo faciant observari, nec cardinales ultra quam praemittitur, artare praesumant. Super iis autem taliter observandis, statim audito summi pontificis obitu, coram clero et populo civitatis ipsius, ad hoc specialiter convocandis, praestent corporaliter iuramentum. Quod si forte in praemissis vel circa ea fraudem commiserint aut ipsa diligenter non observaverint, cuiuscumque sint° praeeminendae, conditionis aut status, omni cessante privilegio, eo ipso? excommunicationis sint vinculo innodati^ et perpetuo sint infames, nec unquam eis portae dignitatis pateant, nec ad aliquod publicum officium admittantur. Ipsos insuper feudis
 35 et bonis ceterisque, quae ab eademl Romana vel quibuslibet aliis ecclesiis obtinent, ipso facto decrevimus' esse privatos, ita quod ad ecclesias ipsas plene ac libere revertantur, administratorum earundem ecclesiarum arbitrio sine contradictione aliqua disponenda. Civitas vero praedicta non solum sit interdicto supposita, sed et pontificali dignitate privata.

40 ' post... antea] sanitate sibi reddita PTP b duximus V2 c om. V5
 d invenerant V2,5,7 e « V3 f ceterum g tam ... omnia om. VW
 h om. P'tt7 i omnia PTF k alia P" 7-6 civitate V 7-8 l ad haec VW
 m fuerit electio celebranda V " et ... approbatione] et huius sacri W
 ° st forte ... sint] si praemissa diligenter non observaverint aut fraudem in eis vel circa ea
 <5 commiserint, cuiuscumque sint dignitatis (dignitatis om. V 1,4) (ZJJ"
 P sententiam add. q sint... innodati] incurrant V
 r quoque P' » ceterisque ... eadem] ceteris quae a V t decernimus V 1-4, 6-8

others, without in any way searching for him and without re-admitting him to the election, may proceed freely to elect the next pope. If in fact, owing to sudden illness, one of them leaves the conclave, the election may proceed without the need for his vote, even while the illness lasts. But if after regaining his health or even before, he wishes to return, or even if other absentees, for whom a wait of ten days should be made as we have said, come on the scene while the election is still undecided, that is, before the church has been provided with a shepherd, they are to be admitted to the election in the state in which they find it; they are to keep the rules with the others as regards enclosure, servants, food and drink and everything else.

If the Roman pontiff happens to die outside the city in which he resided with his curia, the cardinals are obliged to assemble in the city in whose territory or district the pontiff died, unless perhaps the city lies under interdict or persists in open rebellion against the Roman church. In which case they are to meet in another city, the nearest which is neither under interdict nor openly rebellious. In this city also, the same rules about waiting for absentees, living together, enclosure and everything else, in the episcopal palace or any other residence specified by the cardinals, are to be observed as above when the pope dies in the city where he resided with his curia.

Moreover, since it is not enough to make laws unless there is someone to see that they are kept, we further ordain that the lord and other rulers and officials of the city where the election of the Roman pontiff is to be held, by the power given to them by our authority and the approval of the council, are to enforce the observance of everything prescribed above in every detail, fully and inviolably, without any deceit and trickery; but they may not presume to restrict the cardinals beyond what has been said. As soon as the said lord, rulers and officials hear of the supreme pontiff's death, they are to take an oath as a body, in the presence of the clergy and people specially mustered for the purpose, to observe these prescriptions. If it happens that they commit fraud in this matter or do not observe the regulations with care, of whatever pre-eminence, condition or status they may be, they lose all privileges; they are automatically subject to the bond of excommunication and are forever infamous; and they are permanently excluded from all honours, nor may they be admitted to any public office. We have decreed that over and above this they are automatically deprived of the fiefs, goods and all they hold from the same Roman church or any other churches; this property returns fully and freely to the churches themselves, to be without any opposition at the disposal of the administrators of those churches. The city itself is to be not only laid under interdict but also deprived of its episcopal dignity.

Ceterum* quia cum arbitrium vel inordinatus captivat affectus vel ad certum aliquid obligationis cuiusque necessitas adigit, cessat electio, dum libertas adimitur eligendi, cardinales eosdem obsecrantes *per viscera misericordiae Dei nostrae*, per aspersionem sui pretiosi sanguinis obtestamur, ut pensantes attentius quid eis imminet, cum agitur de creatione vicarii Iesu Christi, successoris Petri, rectoris universalis ecclesiae, gregis dominici directoris, omni privatae affectionis inordinatione deposita et cuiuslibet pactionis, conventionis, obligationis necessitate necnon conducti et intendimenti contemplatione cessantibus, non in se reciprocal considerationis intuitum vel in suos, non quae sua sunt quaerant², non commodis privatis intendant, sed nullo artante ipsorum in eligendo iudicium nisi Deo, puris et liberis mentibus, nuda electionis conscientia utilitatem publicam libere prosequantur, omni conatu et sollicitudine, prout possibilitas patitur, id acturi tantummodo, ut eorum ministerio acceleretur utilis et pernecessaria totius mundi provisio, idoneo celeriter eidem ecclesiae sponso dato. Qui autem secus egerint, divinae subiaceant ultioni, eorum culpa, nisi gravi propter hoc peracta poenitentia, nullatenus abolenda. Et nos nihilominus pactiones, conventiones, obligationes, conducta et intendimenta omnia, sive iuramenti sive cuiuslibet alterius sint vinculo firmitatis innexa, cassamus, irritamus et viribus decernimus omnino carere, ita ut nullus ad illa observanda quomodolibet sit astrictus nec quisquam ex eorum transgressione notam vereatur fidei non servatae, sed non indignae laudis titulum potius mereatur, cum lex etiam humana testetur, Deo magis transgressiones huiusmodi quam iurandi observationes acceptas. Quia vero fidelibus non est tam de sollicita quantumcunque inventione fidendum, quam de instantia orationis humilis et devotae sperandum, huic adicimus sanctioni, ut in omnibus civitatibus ceterisque locis insignibus, ubi primum de memorati pontificis obitu certitudo claruerit, a clero et populo solemnibus pro eo exequiis celebratis, singulis diebus, donec de ipsius ecclesiae provisione indubitatus rumor pertulerit veritatem, humiles preces fundantur ad Dominum, apud eum devotis orationibus insistatur, ut ipse *qui concordiam facit in sublimibus stas*³, sic efficiat eorumdem cardinalium corda in eligendo con-

» ceterum ... indicant *i. e. usque ad finem consist. cm.* **W**, qui eo loco habent: In hiis autem omnibus et singulis nobis et nostris successoribus reservamus plenam et liberam potestatem declarandi (mutandi *add. V 3, 5, 7-8*), addendi, detrahendi, prout communi utilitati videbitur expedire. Nos itaque attendentes sanctam et piam intentionem eiusdem summi pontificis, cum in praedicta constitutione solum ad Dei beneplacitum prosequendum et ad universalis ecclesiae provisionem intendat nec in ea (in ea *om. VI, 4, 6, 8*) prosequatur aliquod suum intéressé privatum, praesertim cum effectus constitutionis ipsius in id tempus excurrat quo ipse inter homines iam non erit; attendentes etiam quanta induxit pericula quasi recens et prolixa ecclesiae Romanae vacatio, constitutionem eandem per quam periculis tantis occurritur acceptamus, approbamus et eidem consentimus expresse. In cuius rei testimonium idem praesens scriptum fecimus sigillorum nostrorum munimine roborari. *Cont. in VI-7*: Actum Lugduni die veneris XIII (die sabbati XIV *V 1, 7-8*) mensis iulii pontificatus eiusdem domini Gregorii anno tertio

1 Lc1,78. *Cf. Ph2,21. ' Ib 25, 2.

Furthermore*, since when a disordered passion enslaves the will or some pledge compels it to one way of acting, the election is null from lack of freedom, we implore the cardinals *through the tender mercy of our God*¹, and we call them to witness through the sprinkling of his precious blood, that they consider very carefully what they are about to do. They are electing the vicar of Jesus Christ, the successor of Peter, the ruler of the universal church, the guide of the Lord's flock. They are to lay aside all the disorder of private affection, to be free from any bargain, agreement or pledge; they are not to consider any promise or understanding, to have no regard for their mutual advantage or that of their friends. They are not to look after their own interests² or their individual convenience. Without any constraint on their judgment other than God, they are to seek purely and freely the public good, with the election alone in mind. They are to use every endeavour and care that is possible. Their one aim is to provide, by their service and speedily, what is so useful and necessary for the whole world, a fitting spouse for the church. Those who act otherwise are subject to the divine retribution, their fault never to be pardoned except after severe penance. We invalidate all bargains, agreements, pledges, promises and understandings, whether confirmed by oath or any other bond; we nullify all these and decree that such have no force whatever. No one is constrained in any way to observe them, nor anyone to fear that by transgressing them he is breaking faith. Rather he deserves praise, for even human law testifies that such transgressions are more acceptable to God than the keeping of the oath.

Since the faithful should rely not so much on human resource, however solicitous, than on the urgency of humble and devoted prayer, we make an addition to this decree. In all the cities and important places, as soon as the death of the pope becomes known, solemn exequies are to be celebrated for him by clergy and people. After this, every day until undoubted news is brought that the church truly has her pastor, there is to be humble and devoted prayer to the Lord, that he *who makes peace in his high heaven*³ may so unite the hearts of the cardinals in their choice that provision may be made for the church swiftly,

¹ Furthermore ... fasting *i.e. to the end of the constitution is omitted in VW, which have instead*: On each and all of these points we reserve for us and our successors full freedom to declare (to change *added in V 3, 5, 7-8*), to add or to subtract, as will seem expedient for the common good. We therefore note the holy and pious intention of the same supreme pontiff, since in the said constitution he is concerned only with pleasing God and providing for the universal church. In it (In *omitted in V 1, 4, 6, 8*) the supreme pontiff is not pursuing any private interest of his own, especially since the effect of the constitution extends to the time when he will no longer be among mortals. We also note how many dangers arose from the recent prolonged vacancy of the Roman church. For these reasons we accept, approve and expressly consent to the same constitution which obviates so many dangers. In testimony of which we set our seal to the present document. *Continued in V 1-7*: Given at Lyons on Friday 13 (on Saturday 14 *V 1, 7-8*) July in the third year of the pontificate of the same lord Gregory'.

¹ Lk 1, 78. ² See Ph 2, 21. ³ Job 25, 2.

cordia, quod provisio celer, concors et utilis, prout animarum salus exigit et totius requirit orbis utilitas, ex ipsorum unanimitate sequatur. Et ne tam salubre praesentis sanctionis edictum ignorantiae negligi praetextu contingat, districte praecipimus, ut patriarchae, archiepiscopi, episcopi et
 b alii ecclesiarum praelati ceterique, quibus concessum est proponere verbum Dei, clerum et populum propter hoc specialiter frequentius congregandos, in suis sermonibus ad supplicum precum suffragia, pro celeri et felici exitu tanti negotii frequentanda, sollerter hortentur, et ipsis eadem auctoritate non solum orationum frequentiam sed et observan-
 10 tiam, prout circumstantiae pensandae suaserint, ieiuniorum indicant.^{1*}

3? Ut circa electiones, postulationes et provisiones ecclesiasticas viam malitiis, prout est possibile, praeccludamus nec diutius periculose vacent ecclesiae, vel personatum, dignitatum et aliorum ecclesiasticorum beneficiorum provisio differatur, edicto perpetuo providemus, ut si
 15 quando aliqui electionibus, postulationibus vel provisionibus⁰ se opponunt, proponendo⁸ aliqua contra electionis, postulationis⁰ seu provisionis⁰ formam, aut personas eligentium vel electi sive illius cui provisio erat facienda vel facta^d, et propter hoc contigerit appellari, appellantes in instrumento publico seu litteris super appellatione confectis omnia et sin-
 20 gula exprimant, quae in formam intendunt obicere vel personas, coram personis authenticis aut persona, quae super hoc testimonium perhibeant veritati⁵; corporali praestito iuramento, quod^l credunt ea, quae sic exprimunt, esse vera et se posse probare. Alioquin tam opposcentes quam, tempore appellationis interpositae vel postmodum, adhaerentes eisdem,
 25 obiciendi aliqua, quae non fuerint in huiusmodi litteris vel instrumentis⁰ expressa, potestatem sibi^f noverint interdictam, nisi aliquid postea forsan emergerit vel super antiquis supervenerit probandi facultas aut aliqua[^] antiqua in opponentium notitiam de novo pervenerint, quae appellantes appellationis emissae tempore verisimiliter ignorare potuerint et etiam
 30 ignorarim. Super huiusmodi autem ignorantia et superveniente facultate probandi, fidem per proprium praestandum corporaliter faciant iuramentum, hoc adiciendo in iuramento eodem, quod ad ea probanda credunt se^h sufficientes probationes⁰ habere⁰. Illa sane quae felicitis recordationis Innocentius papa IV^{l4} contra non plene probantes ea, quae in

35 « huiusmodi *add.* B7 b proponendo (*add.* K) vel opponendo W c om.
 d sive ... facta *om.* B7 e in ... instrumentis] in instrumentis et litteris supradictis B7
 f suam B7 g eadem B7 h ante credunt m B7
 l illa... papa IV] hiis quaeque (quae K) per felicitis recordationis Innocentium papam IV B7

¹ c. 3 I 6 in VP (Fr 2, 946-949); cf. H. I. Wurm, *Die Papstwabl, ihre Geschichte und Gebräuche*, Kdln 1902, 38-40; G. J. Ebers, *Der Papst und die römische Kurie*, I Paderborn 1916, 67-70; H. Singer, *Das c. Quiafrequenter* — Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Kanon. Abt. 6 (1916) 22-26; E. Ruffini - Avondo, *Le origini del conclave papale*, Atti della R. Accademia delle scienze di Torino 62 (1927) 409-431; O. Joelson, *Die Papstwahlen des 13. Jahrhunderts bis zur Einführung der Conclaveordnung Gregors X.*, Berlin 1928, 102-109; v. etiam Martin nr. 1809.

* c. 2 in BN. * Cf. Io 18, 37. « Cf. conc. Lugd. I, c. 4 (v. supra pp. 284-285).

harmoniously, unanimously and beneficially, for the salvation of souls and the advantage of the whole world. And lest this salutary decree be disregarded on pretext of ignorance, we strictly order patriarchs, archbishops, bishops, other prelates of churches, and all who have faculties to explain the word of God, that they should often gather together the clergy and people for the purpose of urging them in sermons to pray earnestly and repeatedly for a swift and happy outcome of the conclave. With the same authority they should prescribe not only frequent prayer but also, as circumstances recommend, the observance of fasting.¹

3.2 That we may, as far as possible, close the way to evil practices in ecclesiastical elections, postulations and provisions, and that churches may not have long and dangerous vacancies or the provision of parsonages, dignities and other ecclesiastical benefices be delayed, we make this perpetual decree. When opponents to elections, postulations or provisions raise difficulties against the form of the election, postulation or provision, or against the persons of the electors or of the one elected or of him for whom the provision was to be made or has been made, and for these reasons make an appeal, the appellants are to express in a public document or letter of appeal every individual objection they intend to make against the form or persons. They shall do this in the presence of a qualified person or persons bearing witness to the truth³ on the above points, and they shall personally swear that they believe what they say to be true and can prove it. If this is not done, both the objectors and, during the time of appeal or afterwards, their adherents are to know that the power of objecting anything not expressed in these letters or documents is forbidden to them, unless there is some new evidence or there suddenly appears means of proving the former objections, or some facts of the past have newly come to the knowledge of the objectors, facts of which at the time of the appeal the appellants probably could have been, and in fact were, ignorant. They are to establish their good faith concerning this ignorance and the subsequent possibility of proof by taking an oath personally, adding in the same oath that they believe they have sufficient proof. It is our will certainly that the penalties imposed by Pope Innocent IV⁴ of

¹ ch. 3 | 6 Sext (Fr 2, 946-949); see H. I. Wurm, *Die Papstwahl, ihre Geschichte und Gebrauche*, Cologne 1902, 38-40; G. J. Ebers, *Der Papst and die rornische Karie*, I Paderborn 1916, 67-70; H. Singer, *Das c. Quia frequenter ...*, Zeitschrift der Savigny-Stiftung fur Rechtsgeschichte, Kanon. Abt. 6 (1916) 22-26; E. Ruffini-Avondo, *Le origini del conclave papale*, Atti della R. Accademia delle scienze di Torino 62 (1927) 409-431; O. Joelson, *die Papstu'ahlen des 13. Jahrhunderts bis zur Einfiihrung der Conclaveordnung Gregors X*, Berlin 1928, 102-109; see also Martin no. 1809; DDrC 3 (1942) 1323-1324.

- const. 2 in BN. ³ Seejn 18, 37.

⁴ See council of Lyons I, const. 4 (see above pp. 284-285).

formam vel personam obiecerant, statuit, in suo volumus robore permanere. 1

4.2 Avaritiae caecitas et damnandae¹ ambitionis improbitas aliquorum animos occupantes, eos in illam temeritatem impellunt, ut quae sibi a iure interdicta noverunt, exquisitis fraudibus usurpare conentur. Nonnulli siquidem ad regimen ecclesiarum electi, quia eis iure prohibente non licet se ante confirmationem electionis celebratae de ipsis administrationi ecclesiarum ad quas vocantur ingerere, ipsam sibi tanquam procuratoribus seu oeconomis committi procurant. Cum itaque non sit malitiis hominum indulgendum, nos latius providere volentes, hac generali constitutione sancimus, ut nullus de cetero administrationem dignitatis, ad quam electus est, priusquam celebrata de ipso electio confirmetur, sub oeconomatus vel procurationis nomine aut alio de novo quaesito colore in spiritualibus vel temporalibus, per se vel per alium, pro parte vel in totum, gerere vel recipere aut illi se immiscere praesumat, omnes 15 illos qui secus fecerint, iure, si quod eis per electionem quaesitum fuerit, decernentes eo ipso privatos.³

5.4 Quam sit ecclesiis ipsarum dispendiosa vacatio, quam periculosa etiam esse soleat animabus, non solum iura testantur sed et magistra rerum efficax experientia manifestat. Cupientes itaque competentibus remediis vacationum diuturnitatibus obviare, hoc perpetuo decreto statuimus ut, si quando fuerit electio in aliqua ecclesia celebrata, electores electionem ipsam, quam citius commode poterunt, electo praesentare ac petere consensum ipsius, electus vero illum adhibere infra mensem a tempore praesentationis huiusmodi teneantur. Quem si electus ipse praestare ultra 25 distulerit, iure, si quod ei ex sua electione fuerat acquisitum⁴, extunc se noverit eo ipso privatum, nisi forsitan eam sit electae personae conditio, ut electionis de se celebratae absque superioris sui licentia ex prohibitione seu quavis provisione sedis apostolicae⁵ consentire non possit. Quo casu idem electus seu electores ipsius consentiendi licentiam ab eius superiore, cum ea celeritate quam superioris ipsius praesentia vel absentia permiserit, petere studeant et habere. Alioquin si lapso tempore, pro eiusdem superioris praesentia vel absentia, ut praemittitur, moderando, huiusmodi licentiam eos nequaquam obtinere contingat, electores extunc ad electionem aliam procedendi liberam habeant facultatem. Ceterum, 30 quivis electus infra tres menses post consensum electioni de se celebratae praestitum, confirmationem electionis ipsius petere non omittat. Quod si iusto impedimento cessante, infra huiusmodi⁶ trimestre⁷ tempus omiserit, electio eadem eo ipso viribus vacuetur.⁵

3 obiecerant... permanere] obiecerunt (statuta sunt *add. K*) in suo robore duratur (duraturis *K*) *V*?

b damnosae *U*" c *Qm.* (Γ d electus ... adhibere] electi consensum vero habere *JT*

⁴ iure — acquisitum] interim si qua ex sua electione fuerint acquisita *K7* f talis *H7*

8 quod electionem (electioni ΛΓ) *K*." h ex ... apostolicae *om. ft7* i tale *tt7*

1 c. 4 I 6 in *VP* (Fr 2, 949). » c. 3 in *BN*. ' c. 5 I 6 in *VP* (Fr 2, 949-950)

4 c. 4 in *BN*. * c. 6 I 6 in *VP* (Fr 2, 950).

happy memory on those who do not fully substantiate their objections against the form or the person, shall remain in force.¹

4. ' Blind greed and criminal, dishonest ambition, seizing on certain minds, drive them to the rash attempt to usurp by ingenious fraud what they know is forbidden to them by the law. Some, indeed, are elected to the government of churches and, because the law forbids any interference in the administration of churches before the election has been confirmed, contrive to have the churches entrusted to themselves as procurators and managers. Since it is not good to give way to human trickery, we wish to take wider precautions in this general constitution. We decree that none may henceforth presume, before confirmation of his election, to conduct or accept the administration of an office to which he has been elected, or to interfere in it, under the pretext of management or procuratorship or some other newly invented disguise, in things spiritual or temporal, directly or through others, in part or in whole. We decree that all who act otherwise are by that very fact deprived of the right they would have acquired by the election.³

5.4 Not only do the laws bear witness but also experience, that effective teacher of reality, makes clear how damaging to churches is their vacancy, how dangerous it usually is to souls. Desirous, then, of counteracting the long duration of vacancies by suitable remedies, we make a perpetual decree that after there has been an election in any church, the electors are obliged to inform the elect as soon as conveniently possible and to ask his consent. The elect in his turn is to give it within a month from the day of being informed. If the elect delays beyond this, he is to know that from then on he is deprived of the right he would have acquired from his election, unless perhaps his condition is such that he cannot consent to his election without his superior's leave, on account of a prohibition or some disposition of the apostolic see. The elect or his electors must then earnestly seek and gain the superior's leave as quickly as his presence or absence will permit. Otherwise, if the time has expired, even with the allowance made for the presence or absence of the superior, and permission has not been obtained, the electors are then free to proceed to another election. Furthermore, any elect must ask for confirmation of his election within three months after giving consent. If without lawful impediment he omits to do this within such a three-month period, the election is by that very fact null and void?

on account ... see *omitted in* U7

¹ ch. 4 | 6 *Sext* (Fr 2, 949). ² const. 3 in BN. ³ ch. 5 | 6 *Sext* (Fr 2, 949-950).

⁴ const. 4 in BN. ⁵ ch. 6 | 6 *Sext* Fr 2, 950).

6.1 Perpetuae sanctionis oraculo declaramus, quod scienter in electionibus nominantes indignum, propter suffragium in scrutinio praestitum, nisi adeo in eo perstiterint quod ex eo votis eorum communis electio subsequatur, nequaquam eligendi potestate privantur, licet pro eo quod, s indignum nominando, scienter contra conscientias suas agunt et divinam vindictam et apostolicae ultionis motum, quem qualitas facti suaserit, possint non immerito formidare.^{2*}

7.' Nulli licere decernimus, postquam in scrutinio nominaverit aliquem et electio fuerit subsecuta, vel postquam praestiterit electioni de ipso ab io aliis celebratae consensum, illum super electione ipsa, nisi ex causis postea emergentibus, impugnare, vel nisi ei morum ipsius antea celata de novo pandatur improbitas seù alicuius alterius latentis vitii vel defectus, quae verisimiliter ignorare potuerit, veritas reveletur. De huiusmodi autem ignorantia fidem proprio faciat iuramento.⁴

is 8.5*Si quando contigerit, duabus electionibus celebratis, partem alteram eligentium duplo maiorem numero inveniri, contra electores qui partem reliquam sic excedunt, ad extenuationem zeli, meriti vel auctoritatis ipsorum, reliquis vel electo ab eis aliquid opponendi omnem praesenti decreto interdicimus facultatem. Si quid autem opponere voluerint, quod so votum illius, cui opponitur, nullum redderet ipso iure, id eis non intelligimus interdictum.*

9.7 Quamvis constitutio felicitis recordationis Alexandri papae IV⁸ praecessoris nostri causas electionum episcopalium seu super electionibus episcoporum exortas, non immerito maioribus causis annumerans, cognitiones ipsarum per appellationes quaslibet devolvi asserat ad apostolicae 25 sedis examen, nos tamen et temerariam appellantium audaciam et effrenatam appellationum frequentiam refrenare volentes, hac generali constitutione duximus providendum ut, si extra iudicium in praedictis electionibus vel in aliis de dignitatibus episcopatu maioribus celebratis, expressa 30 causa manifeste frivola, contigerit appellari, per appellationem huiusmodi nequaquam ad sedem eamdem negotium devolvatur. Sed cum in electionum earumdem negotiis, in iudicio vel extra iudicium appellatur in scriptis ex causa probabili quae probata deberet legitima reputari, ad sedem ipsam huiusmodi negotia deferantur. Ceterum in praemissis 35 casibus, liceat partibus ab huiusmodi appellationibus, nulla tamen interveniente pravitate, recedere, antequam praefatae sedi fuerint praesentatae. Inferiores autem iudices, quorum erat ipsarum causarum cognitio, appellatione cessante, an in hoc pravitas intercesserit, ante omnia diligenter inquirant, et si eam intercessisse reppererint, se de causis ipsis <° nullatenus intromittant, sed praefigant dictis partibus terminum peremp-

1 c. 5 in BN. * c. 7 I 6 in *VP* (Fr 2, 950).

3 c. 6 in BN.

4 c. 8 I 6 in *VP* (Fr 2, 950-951). » c. 7 in BN.

4 c. 9 I 6 in *VI*^o (Fr 2, 951). 7 c. 8 in BN.

• Cf. Fr 2, 951-952 et *Let registres d'Alexandre IV...*, II edd. J. de Loye et P. de Cenival, Paris 1917, 684-686.

6.1 We declare, with the force of a perpetual decree, that they who in an election vote knowingly for an unworthy candidate are not deprived of the power of electing, unless they have so far persisted as to make the election depend on their votes, even though in nominating an unworthy person they have deliberately acted against their consciences and may rightly fear divine retribution and a punishment, in accordance with the offence, from the apostolic see.²³

7? We decree that nobody, after voting for someone whose election follows, or after giving consent to an election made by others, may oppose him concerning the election itself, except for reasons coming to light afterwards, or unless the elect's evil character previously hidden from the objector is now disclosed, or the existence of some other hidden vice or defect, of which in all probability he could have been ignorant, is revealed. He is however to guarantee his good faith regarding this lack of knowledge by oath.⁴

8.5 If after two scrutinies one part of the electors is to be found more than double the number of the other, we by this decree take away from the minority all power of imputing lack of zeal, merit or authority to the majority or their candidate. We do not however forbid such objections as would render null, in virtue of the law itself, the election of the candidate so opposed.⁶

9/ The constitution of Pope Alexander IV⁸, our predecessor of happy memory, rightly includes cases about episcopal elections, and those arising therefrom, in the category of major cases and asserts that their judicial inquiry subsequent to any appeal falls to the apostolic see. We, however, wishing to curb both the rash boldness and unbridled frequency of appeals, have considered that we should make provision by this general constitution. If someone appeals extrajudicially with an evidently frivolous motive in the aforesaid elections or in others which concern dignities higher than the episcopate, such an appeal is by no means to go before the apostolic see. When however in the business of such elections an appeal is made in writing, judicially or extrajudicially, from a credible motive which on proof ought to be considered legitimate, such business is to be brought to the apostolic see. Furthermore, it is lawful for the parties in these cases, provided there is no malice, to withdraw from such appeals before they are laid before the said see. Subordinate judges, who were competent for these cases, should on withdrawal of the appeal first of all inquire carefully whether there has been any irregularity. If they find such, they are to have no further dealings with the case itself, but shall set for the parties a suitable fixed

¹ const. 5 in BN. ² ch. 7 I 6 *Sext* (Fr 2, 950).

³ const. 6 in BN.

⁴ ch. 8 I 6 *Sext* (Fr 2, 950-951). ⁵ const. 7 in BN.

^b ch. 9 I 6 *Sext* (Fr 2, 951). ⁷ const. 8 in BN.

⁸ See Fr 2, 951-952 and *Les registres d'Alexandre /V...*, II edd. J. de Loye and P. de Cenival, Paris 1917, 684-686.

torium competentem, in quo cum omnibus actis et monimentis suis apostolico se conspectui repraesentent,^{1*}

10? Si forte inter cetera quae obiciuntur electo aut postulato seu alias promovendo ad aliquam dignitatem, evidentem scientiae vel alium personae defectum opponi contingat, in discussione obiectorum illum statuimus ordinem incommutabiliter observandum, ut promovendus super defectu ipso ante omnia subiciatur examini, cuius eventus examinandis aliis aut dabit initium aut negabit*. Ceterum si praemissi examinis exitus huiusmodi oppositiones docuerit veritate destitui, oppositores omnino a prosecutione causae, in qua talia obiecerunt, excludimus et perinde puniri decernimus ac si penitus in probatione omnium quae obiecerant, defecissent.⁸

11? Sciant cuncti qui clericos vel quaslibet alias personas ecclesiasticas, ad quos in aliquibus ecclesiis, monasteriis aut aliis piis locis spectat electio, pro eo quod rogati seu alias inducti, eum pro quo rogabantur sive inducebantur, eligere noluerunt, vel consanguineos eorum aut ipsas ecclesias, monasteria seu loca cetera beneficiis sive aliis bonis suis per se vel per alios spoliando seu alias iniuste persequendo, gravare praesumpserint, se ipso facto excommunicationis sententia innodatos.⁵

12.' Generali constitutione sancimus universos et singulos qui regalia, custodiam siveb guardiamb, advocacy vel defensionis titulum in ecclesiis, monasteriis sive quibuslibet aliis piis locis de novo usurpare conantes, bona ecclesiarum, monasteriorum aut locorum ipsorum vacantium occupare praesumunt, quantaecunque dignitatis honore praefulgeant, clericos etiam ecclesiarum, monachos monasteriorum et personas ceteras locorum eorundem, qui haec fieri procurant, eo ipso excommunicationis sententiae subiacerent. Illos vero clericos qui se, ut debent, talia facientibus non opponunt, de proventibus ecclesiarum seu locorum ipsorum, pro tempore quo praemissa sine debita contradictione permiserint, aliquid percipere districtius inhibemus. Qui autem ab ipsarum ecclesiarum ceterorumque locorum fundatione vel ex antiqua consuetudine, iura sibi huiusmodi vendicant, ab illorum abusu sic prudenter abstineant et suos ministros⁰ in eis solliciti faciant abstinere, quod ea quae non pertinent ad fructus sive redditus, provenientes vacationis tempore non usurpent, nec bona cetera, quorum se asserunt habere custodiam, dilabi permittant sed in bono statu conservent.⁷

13. Licet canon a felicis recordationis Alexandro papa III[®] praedecessore nostro editus, inter cetera statuerit ut nullus regimen ecclesiae par-

* cuius... negabit] ex cuius apparebit eventu aut (an Æ) sit ad discutienda cetera procedendum IF b *m. yr* c sic *add.* IF

1 c. 10 I 6 in VI^o (Fr 2, 951-952); cf. Gbller, *Zur Gttcbicble* . . ., 87.

' c. 15 in BN. » c. 11 I 6 in F7^o (Fr 2, 952). 4 c. 18 in BN.

' c. 12 I 6 in VI^o (Fr 2, 952-953). 4 c. 21 in BN.

' c. 13 I 6 in VI^o (Fr 2, 953); cf. G. J. Phillips, *Das Rtgaliertrecht in Frankreich* . . ., Halle 1873, 41-42; Gdller, *Zur Gttcbicble* - - 85.

4 Cf. conc. Lat. III, c. 3 (v. supra p. 212).

term in which they are to present themselves with all their acts and records to the apostolic see.¹

10.2 If among other objections against the elect or nominee or candidate to be promoted in any other way to some dignity, it is said that he clearly lacks the requisite knowledge or has some other obvious personal defect, we decree that there is to be an invariable order in discussing the objections. The candidate is to be examined first of all concerning the alleged defect, the outcome deciding whether other objections are to be considered or not. If the result of the said examination shows that the objections concerning the alleged defect are devoid of truth, we exclude the objectors altogether from pursuing further the case in which they have made their objections, and we decree that they are to be punished exactly as if they had thoroughly failed to prove any of their objections.³

11.4* All those who presume to oppress clerics or any other ecclesiastical persons having the right of election in certain churches, monasteries or other pious places, because they have refused to elect the person for whom they were asked or urged to vote, or who presume to oppress their relatives or the said churches, monasteries or other places, robbing them of benefices or other property, either directly or through others, or taking revenge in other ways, are to know that they incur automatic excommunication?

12? We decree by a general constitution that one and all, however high their rank, who try to usurp the royal privileges, the custody or guard, or the title of advocate or defender, in churches, monasteries and any other pious places, and presume to take possession of their property' during a vacancy, lie under automatic sentence of excommunication. The clerics of the churches, the monks of the monasteries, and the other persons in the above places, who abet these offences, are automatically excommunicated in the same way. We indeed strictly forbid those clerics who do not oppose, as they ought, those who act in such a way, to receive any income from these churches or places during the time they have allowed the usurpation to happen without opposition. Those who claim these rights by the foundation of the churches or of the other places, or by reason of ancient custom, are prudently to avoid abusing their rights and take care that their agents do not abuse them, so that they appropriate nothing beyond what pertains to the fruits or revenues accruing during the vacancy, and do not allow the dilapidation of the other property of which they claim to be the guardians but preserve it in good condition?

13. The canon promulgated by Pope Alexander III⁸, our predecessor of happy memory, decreed among other things that nobody is to be appointed

¹ ch. 10 I 6 *Sext* (Fr 2, 951-952); see Gôller, *Zur Geschichte ...*, 87.

² const. 15 in BN. ³ ch. 11 I 6 *Sext* (Fr 2, 952). ⁴ const. 18 in BN.

⁵ ch. 12 I 6 *Sext* (Fr 2, 952-953). ⁶ const. 21 in BN.

ch. 131 6 *Sext* (Fr 2, 953); see G. J. Phillips, *Das Regalienrecht in Frankreich ...*, Halle 1873, 41-42; Gôller, *Zur Geschichte ...*, 85.

* See Lateran council III, canon 3 (see above p. 212).

ochialis suscipiar, nisi vigesimum quintum annum aetatis attigerit ac scientia et moribus commendandus existat, quodque talis ad regimen assumptus huiusmodi, si monitus non fuerit praefixo a canonibus tempore in presbyterum ordinatus, a regiminis eiusdem amoveatur officio et alii conferatur, quia tamen in observatione canonis memorati se multi exhibent négligentes, nos periculosam illorum negligentiam volentes iuris executione suppleri, praesenti decreto statuimus, ut nullus ad regimen parochialis ecclesiae assumatur, nisi sit idoneus scientia, moribus et aetate, decernentes collationes de parochialibus ecclesiis hiis qui non
 10 attigerunt vigesimum quintum annum, de cetero faciendas, viribus omnino carere. Is etiam qui ad huiusmodi regimen assumetur, ut gregis sibi crediti diligentius gerere curam possit, in parochiali ecclesia, cuius rector exstiterit, residere personaliter teneatur et infra annum a sibi commissi regiminis tempore numerandum, se faciat ad sacerdotium promoveri. Quod si, infra idem tempus, promotus non fuerit, ecclesia sibi commissa, nulla etiam praemissa monitione, sit praesentis constitutionis auctoritate privatus. Super residentia vero, ut praemittitur, facienda, possit ordinarius gratiam dispensative ad tempus facere, prout causa rationabilis id exposcet.¹

14. Nemo deinceps parochialem ecclesiam alicui, non constituto in
 20 aetate legitima et sacerdotio, commendare praesumat, nec tali etiam nisi unam, et evidenti nec itate vel utilitate ipsius ecclesiae suadente. Huiusmodi autem commendam, ut praemittitur, rite factem, declaramus ultra semestris temporis spatium non durare, statuentes quicquid secus de commendis ecclesiarum parochialium actum fuerit, esse irritum ipso iure.^{2*}

Dt temporibus ordinateonam it qualitate ordinandorum

15.' Eos qui clericos parochiae alienae absque superioris ordinandorum licentia, scienter seu affectate ignorantia vel quocumque alio figmento quaesito praesumpserint ordinare, per annum a collatione ordinum
 30 decernimus esse suspensos, iis quae iura statuunt contra taliter ordinatos, in suo robore duraturis. Clericis quoque parochiae taliter suspensorum, postquam eorum suspensio fuerit manifeste, absque ipsorum etiam licentia, interim recipiendi ordines ab aliis vicinis episcopis, alias tamen canonice, liberam concedimus facultatem.⁴

35

De bigamie

16.5 Altercationis antiquae dubium praesentis declarationis oraculo decedentes, bigamos o «*>1j privilegio clericali declaramus esse nudatos et coercionem fori saecularis addictos, consuetudine contraria non obstante. Ipsius quoque sub anathemate prohibemus deferre tonsuram vel habitum
 40 clericalem..

De officio iudicis ordinarii

17.7 Si canonici a divinis cessare voluerint, prout in ecclesiis aliquibus sibi ex consuetudine vel alias vendicant, antequam ad cessationem huiusmodi

¹ C. 14 I 6 in *VJO* (Fr 2, 953-954). » c. 15 I 6 in (Fr 2, 954). » c. 10 in BN.

« c. 21 9 in *VI*^o (Fr 2, 975). 5 c. 22 in BN.

« c. un. I 12 in *VI*^o (Fr 2, 977). 7 c. 16 in BN.

parish priest until he is twenty-five and approved as to knowledge and morals; and that after his appointment, if he has not been ordained priest within the time fixed by the canons, despite being warned to this effect, he is to be removed from office and it is to be conferred on someone else. Since many neglect to observe this canon, we wish their dangerous negligence to be made good by observance of the law. We therefore decree that nobody is to be appointed parish priest unless he is suitable by knowledge, morals and age. Any appointments from now of those younger than twenty-five are to lack all validity. The person appointed is obliged to reside in the parish church of which he has become rector, in order that he may take more diligent care of the flock entrusted to him. Within a year of being appointed to his charge he is to have himself ordained to the priesthood. If within that time he has not been ordained, he is deprived of his church, even without previous warning, by authority of the present constitution. As to residence, as above described, the ordinary may grant a dispensation for a time and for a reasonable cause.¹

14. No one may henceforth presume to give a parish church “in commendaro” to anyone under the lawful age and not ordained priest. Such a commendatory may have only one parish church and there must be an evident need or advantage for the church itself. We declare, however, that such a commendaro, even when properly made, is not to last more than six months. We decree that any contrary procedure relating to commendams of parish churches is invalid by law.²

On the circumstances of ordination and the quality of ordinands

15.3 We decree that those who knowingly or with affected ignorance or on any other pretext presume to ordain clerics of another diocese without permission of the ordinands’ superior, are suspended for a year from conferring any orders. The penalties prescribed by law against those so ordained are to remain in full vigour. We also grant the faculty to clerics of the dioceses of bishops thus suspended, after their suspension has become public, freely to receive orders meanwhile from neighbouring bishops, even without their own bishop’s leave, but in other respects canonically.⁴

On bigamists

16? Putting an end to an old debate by the present declaration, we declare that bigamists are deprived of any clerical privilege and are to be handed over to the control of the secular law, any contrary custom notwithstanding. We also forbid bigamists under pain of anathema to wear the tonsure or clerical dress.⁶

On the office of ordinary judge

17.7 If canons wish to suspend the celebration of divine worship, as is their claim from custom or otherwise in certain churches, they are obliged, before taking any steps to suspend the celebration, to express their reasons for this in a

¹ ch. 14 I 6 *Sext* (Fr 2, 953-954). ² ch. 15 I 6 *Sexi* (Fr 2, 954). ³ const. 10 in BN.

⁴ ch. 2 I 9 *Sext* (Fr 2, 975). ⁵ const. 22 in BN.

⁶ ch. 1 I 12 *Sext* (Fr 2, 977). ⁷ const. 16 in BN.

quoquo modo procedant, in instrumento” publico vel patentibus litteris sigillorum suorum autb alteriusb authenticib munimine roboratis, cessationis ipsius causam exprimant et illud vel illas ei, contra quem cessare intendunt, assignent, scituri quod si hoc praetermisso cessaverint vel causa quam expresserint non fuerit inventa canonica, omnia quae de quibus- 5 cumque proventibus illius ecclesiae in qua cessatum fuerit, cessationis tempore perceperunt, restituent. Illa vero quae pro eodem tempore debentur eisdem, nullo modo percipient, sed ipsi ecclesiae cedere ac nihilominus ei, contra quem cessaverant, de damnis et iniuriis satisfacere tenebuntur. Si autem causa eadem canonica fuerit iudicata, is qui occa- 10 sionem cessationi dederat, ad omne interesse dictis canonicis et ecclesiae, cui debitum officium eius est culpa subtractum, ad certam quantitatem taxandam et in divini cultus augmentum convertendam, superioris arbitrio condemnetur. Ceterum detestabilem abusum horrendae inde- votionis illorum, qui crucis, beatae Virginis aliorumve sanctorum ima- 15 gines seu statuas irreverenti ausu tractantes, eas in aggravationem cessationis huiusmodi prosternunt in terram, urticis spinisque supponunt, penitus reprobantes, aliquid tale de cetero fieri districtius prohibemus, statuantes ut in eos qui contra fecerint, ultrix procedat dura sententia, quae delinquentes sic graviter puniat, quod alios a similium praesump- 20 tionem compescat.¹

18. Ordinarii locorum subditos suos plures dignitates vel ecclesias, quibus animarum cura imminet, obtinentes seu personatum aut dignitatem cum alio beneficio, cui cura similis est annexa, districte compellant dispensationes, auctoritate quarum huiusmodi ecclesias, personatus seu 25 dignitates canonice tenere se asserunt, infra tempus, pro facti qualitate ipsorum ordinariorum moderandum arbitrio, exhibere. Quod si forte, iusto impedimento cessante, nullam dispensationem infra idem tempus contigerit exhiberi, ecclesiae, beneficia, personatus seu dignitates, quae sine dispensatione aliqua eo ipso illicitè detineri constabit, per eos ad w quos eorumdem collatio pertinet, libere personis idoneis conferantur. Ceterum, si dispensatio exhibita sufficiens evidenter appareat, exhibens nequaquam in beneficiis huiusmodi, quae canonice obtinet, molestetur. Provideat tamen ordinarius qualiter nec animarum cura in eisdem ecclesiis, personatibus seu dignitatibus negligatur nec beneficia ipsa 30 debitis obsequiis defraudentur. Si vero de dispensationis exhibitae sufficientia dubitetur, super hoc erit ad sedem apostolicam recurrendum, cuius est aestimare quem modum sui beneficii esse velit. In conferendis insuper personatibus, dignitatibus et aliis beneficiis curam habentibus animarum annexam, iidem ordinarii diligentiam illam observent, ut per- 40 sonatum, dignitatem vel aliquod beneficium, similem curam habens, alicui plura similia obtinenti non ante conferre praesumant, quam eis super obtentis dispensatio evidenter sufficiens ostendatur. Qua etiam

* testimonio B7 b om. B7

¹ c. 2 I 16 in *VF* (Fr 2, 986).

public document or open letter impressed with their seal or with some other confirmation of authenticity. They are to consign this document or letter to the person against whom the suspension is directed. They are to know that if they suspend services without this formality or the reason expressed is not canonical, they shall restore all the income they have received, during the time of the suspension, from the church in which the suspension has taken place. They shall in no way receive anything owing to them for that period but make it over to the church in question. They will, moreover, be obliged to make restitution for the loss or injustice done to the person whom they intended to punish. If however their cause is judged to be canonical, the one who occasioned the suspension is to be sentenced to compensate the said canons and the church from which divine service has been withdrawn through his fault. The superior is to adjudicate the compensation and it is to be used for the benefit of divine worship. Nevertheless we utterly rebuke the detestable abuse and horrible impiety of those who, treating with irreverent boldness crucifixes and images or statues of the blessed Virgin and other saints, throw them to the ground in order to emphasise the suspension of divine worship, and leave them under nettles and thorns. We forbid severely any sacrilege of this kind. We decree that those who disobey are to receive a hard retributive sentence which will so chastise the offenders as to suppress the like arrogance in others.¹

18. Local ordinaries must strictly compel their subjects to produce the dispensations by which they hold canonically, as they assert, several dignities or churches to which is annexed the cure of souls, or a parsonage or dignity together with another benefice to which a similar cure is annexed. These dispensations are to be shown within a time proportionate to the situation as judged by the ordinaries themselves. If without just reason no dispensation has been shown within that time, the churches, benefices, parsonages or dignities which it is now obvious are held unlawfully without dispensation, are to be conferred freely on suitable persons by those who have the right. If on the other hand the dispensation shown seems clearly sufficient, the holder is not to be troubled in any way in the possession of these benefices canonically obtained. The ordinary is however to make provision that neither the care of souls in those churches, parsonages or dignities is neglected nor the benefices themselves are defrauded of the services owing to them. If there is doubt whether the dispensation is sufficient, recourse should be had to the apostolic see, to which judgment belongs concerning its benefices. Ordinaries, moreover, in bestowing parsonages, dignities and other benefices involving the cure of souls, are to take care not to confer one on someone already holding several similar benefices, unless an obviously sufficient dispensation is shown for those already held. Even then, wre

¹ ch. 2 | 16 *Sext* (Fr 2, 986).

ostensa, ita demum ad collationem procedi volumus, si appareat per eandem quod is cui est collatio facienda, huiusmodi personatum, dignitatem vel beneficium retinere licite valeat cum obtentis, vel si ea quae sic obtinet, libere ac sponte resignet. Aliter autem de personatibus, dignitatibus et beneficiis talibus facta collatio nullius penitus sit momenti.¹

De postulando

19.® Properandum nobis visum est, ut malitiosis litium protractionibus occurratur, quod speramus efficaciter provenire si eos, qui circa iudicia suum ministerium exhibent, ad id congruis remediis dirigamus. Cum igitur ea quae ad hoc salubriter fuerant circa patronos causarum legali sanctione provisa, desuetudine abolita videantur, nos sanctionem eandem praesentis redivivae constitutionis suffragio, cum aliqua tamen adiectione necnon et moderamine, renovantes, statuimus ut omnes et singuli advocacy officium in foro ecclesiastico sive apud sedem apostolicam sive alibi exercentes, praestent, tactis sacrosanctis evangeliiis, iuramentum quod, in omnibus causis ecclesiasticis et aliis in eodem foro tractandis, quarum¹ assumpserunt patrocinium vel assument, omni virtute sua omnique ope id quod verum et iustum existimaverint, suis clientulis inferre procurent, nihil in hoc studii, quod eis sit possibile, relinquentes, quodque in quacunque parte iudicii eis innotuerit improbam fore causam, quam in sua fide receperant, amplius non patrocিনabuntur eidem, immo ab ea omnino recedent, a communione illius se penitus separantes, reliquis quae circa haec sunt in eadem sanctione statuta, inviolabiliter observandis. Procuratores insuper iuramento simili astringantur. Huiusmodi quoque iuramentum tam advocati quam procuratores in foro, in quo idem assumpserunt officium, teneantur annis singulis iterare. Qui vero ad eandem sedem veniunt vel ad curiam cuiuslibet ecclesiastici iudicis, in qua nondum tale praestiterant iuramentum, accedunt, in aliquibus singularibus causis patrocinium vel procurationis ministerium praestituri, praestent in singulis causis eisdem, mota controversia, simile iuramentum. Adv^{Γ·T«K} ti autem et procuratores, qui iuxta praedictam formam iurare noluerint, executionem officiorum suorum, huiusmodi voluntate durante, sibi noverint interdictam. Quod si iuramentum praestitum violare praesumpserint, praeter reatum periurii, consiliarii etiam qui scienter iniquam causam foverint, divinam et nostram maledictionem incurrant, a qua non aliter liberentur nisi duplum eius restituerint, quod pro tam iniquis advocacy, procuratione vel consilio receperunt; ac nihilominus de damnis quae per iniqua huiusmodi ministeria partibus irrogarunt, illis satisfacere teneantur. Ceterum, ne cupiditatis ardor aliquos ad haec salubria statuta contemnenda praecipitet, districtius inhibemus ne aliquis advocatus in quacunque causa ultra viginti, procurator vero ultra duodecim libras Turonensium recipere, salarii nomine vel etiam sub palmarii colore, praesumant. Qui autem ultra receperint,

a quorum *R* b praesuturi *R*

¹ c. 3 I 16 /n T-75 (Fr 2, 986-987). » c. 9 in BN.

wish the ordinary to confer the benefice only if it appears from the dispensation that the beneficiary may lawfully retain this parsonage, dignity or benefice together with those he already holds, or if he is prepared freely to resign those he already holds. If not, the bestowing of such parsonages, dignities and benefices is to be of no consequence whatever.¹

On pleading

19.2 It seems that we must counteract promptly the crafty dragging-out of lawsuits. We hope to do this effectively by giving suitable remedial directives to those who offer their services in legal matters. Since the things that have been beneficially provided by legal sanction concerning advocates seem to have fallen into disuse, we renew the same sanction by the present constitution, with some addition and modification. We decree that each and every advocate in the ecclesiastical forum, whether before the apostolic see or elsewhere, is to swear on the holy gospels that in all ecclesiastical causes and others in the same forum, of which they have assumed or will assume the defence, they will do their utmost for their clients in what they judge to be true and just. They are also to swear that at whatever part of the process they find out that the cause which they had accepted in good faith is unjust, they will cease to defend it; they will rather abandon it altogether, having nothing further to do with it, and will inviolably observe the rest of the above sanction. Proctors also are to be bound by a similar oath. Both advocates and proctors are obliged to renew this oath every year in the forum in which they have assumed office. Those who come before the apostolic see or to the court of some ecclesiastical judge, in which they have not yet taken such an oath, in order to act as advocate or proctor in some individual case, are to take a like oath, in each case, at the beginning of the litigation. Advocates and proctors who refuse to swear in the above way are forbidden to practise while their refusal persists. If they deliberately violate their oath, counsellors who have knowingly encouraged an unjust cause incur, in addition to the guilt of perjury, the divine and our malediction, from which they cannot be absolved unless they restore double the amount they accepted for such evil work as advocate, proctor or counsel. They are moreover obliged to make restitution for the loss caused to the parties wronged by their unjust ministry. Furthermore, lest insatiate greed drive some into contempt for these sound decrees, we strictly forbid an advocate to accept more than twenty tournois

¹ ch. 3 I 6 *Sext* (Fr 2, 986-987).

const. 9 in BN.

nequaquam dominium eorum quae praedictam quantitatem excedunt, acquirant, sed ad restitutionem integram teneantur illorum; ita quod nihil horum, ad quae restituenda eos teneri praemisimus, in fraudem praesentis constitutionis remitti possit eisdem. Et insuper advocati constitutionem praesentem taliter violantes, ab advocacy officio triennio suspendantur. Procuratores vero extunc sibi sciant cuiuslibet procurationis in iudicio licentiam denegatam.

De iis quae rei metus causa fiunt

20.1 Absolutionis beneficium ab excommunicationis sententia vel quacumque revocationem ipsius aut suspensionis seu etiam interdicti, per vim vel metum extorta, praesentis constitutionis auctoritate omnino viribus vacuumus. Ne autem sine vindicta violentiae crescat audacia, eos qui absolutionem sive revocationem huiusmodi vi vel metu extorserint*, excommunicationis sententiae decernimus subiacere?

De praebendis et dignitatibus

21? Statutum felix recordationis Clementis papae IV⁴ praedecessoris nostri de dignitatibus et beneficiis in curia Romana vacantibus, nequaquam per alium quam per Romanum pontificem conferendis, decrevimus taliter moderandum, ut ii ad quos eorundem beneficiorum et dignitatum spectat collatio, statuto non obstante praedicto, demum post mensem, a die quo dignitates seu beneficia ipsa vacaverint numerandum, ea conferre valeant tantummodo per seipsos vel, ipsis agentibus in remotis, per suos vicarios generales in eorum dioecesibus existentes, quibus id canonice sit commissum?

De rebus ecclesiae non alienandis

22? Hoc consultissimo prohibemus edicto⁷, universos et singulos praelatos ecclesias sibi commissas, bona immobilia seu iura ipsarum, laicis submittere, subicere seu supponere, absque capituli sui consensu et sedis apostolicae licentia speciali, non concedendo bona ipsa vel iura in emphytheosim seu alias alienando in forma et casibus a iure permissis, sed constituendo vel recognoscendo seu profitendo ab illis ea tanquam a superioribus se tenere seu ab ipsis eadem advocando, prout in quibusdam partibus vulgariter dicitur avoer, vel ipsos patronos sive advocatos ecclesiarum seu bonorum ipsorum, perpetuo aut ad tempus non modicum statuendo. Contractus autem omnes, etiam iuramenti, poenae vel alterius cuiuslibet firmitatis adiectione vallatos, quos de talibus alienationibus, sine huiusmodi licentia et consensu contigerit celebrari, et quicquid ex eis secutum fuerit, decernimus adeo viribus omnino carere, ut nec ius aliquod tribuant nec praescribendi etiam causam parent. Et nihilominus praelatos, qui secus egerint, ipso facto ab officio et administratione, clerici-

a ipso facto *add.* U⁷ b decrevimus If⁷

1 c. 17 in BN. * c. 27 in BN.

4 Cf. *Les registres de Clément IV*..., ed. É. Jordan, I Paris 1893, nr. 212 (p. 56).

s c. 3 III 4 in VF (Fr 2, 1021); cf. Goller, *Zser Geschichte* 84-85; id., *Die Einnahmen der apostolischen Kammer unter Joba/m XXII*, Paderborn 1910» 92*-93*.

• c. 26 in BN. 7 Cf. Kuttner 69.

pounds for any case, a proctor more than twelve, as salary or even on the pretext of a reward for winning. Those who accept more are not in any way to acquire ownership of the excess, but are obliged to restitution; none of this penalty of restitution can be remitted in evasion of the present constitution. In addition, advocates who thus violate the present constitution are to be suspended from their office for three years. Proctors, on the other hand, shall be denied permission to exercise their office in a court of law.

On what is done by force or because of fear

20.¹ We annul by authority of this constitution any absolution from sentence of excommunication or any recall of it, or of suspension or even of interdict, which has been extorted by force or fear. Lest boldness increase when violence goes unpunished, we decree that those who have extorted such an absolution or withdrawal by force or fear lie under sentence of excommunication.²

On prebends and dignities

21³ We have decreed that the statute of Pope Clement IV⁴ our predecessor of happy memory, that dignities and benefices which become vacant in the Roman curia are to be conferred by nobody other than the Roman pontiff, is to be modified as follows. Those who have the conferring of these benefices and dignities may confer them validly, notwithstanding the said statute, but not till a month after the day on which the dignities and benefices have become vacant, and then only by themselves personally or, if they are at a distance, through their vicar-generals in their dioceses, to whom this charge has been canonically entrusted?

On not alienating the property of the church

22.^b By this well-considered decree⁷ we forbid each and every prelate to submit, subject or subordinate the churches entrusted to him, their immovable property or rights, to lay people without the consent of his chapter and the special leave of the apostolic see. It is not a question of granting the property or rights in emphyteusis or otherwise alienating them in the form and in the cases permitted by the law. What is forbidden is the establishment or recognition of these laity as superiors from whom the property and rights are held, or making them the protectors, an arrangement which is called in the vernacular of certain places “to avow”; that is, the laity are appointed patrons or advocates of the churches or their property, either perpetually or for a long period. We decree that all such contracts of alienation, even when fortified by oath, penalty or any other confirmation, which are made without the above leave and consent, and any consequences of these contracts, are entirely null; no right is conferred, no cause for prescription is provided. We decree moreover that prelates who disobey are automatically suspended for three years from office and administra-

¹ const. 17 in BN. ² ch. 1 I 20 *Sexi* (Fr 2, 993). ³ const. 27 in BN.

⁴ See *Les registres de Clément IV*..., ed. É. Jordan, 1 Paris 1893, no. 212 (p. 56).

⁵ ch. 3 III 4 *Sext* (Fr 2, 1021); see Goller, *Zur Geschichte* ..., 84-85; id., *Die Einnahmen der apostolischen Kammer unter Johann XXII*., Paderborn 1910. 92*-93*.

⁶ const. 26 in BN. ⁷ See Kuttner 69.

cos etiam qui scientes contra inhibitionem praedictam aliquid esse prae-
sumptum, id superiori denuntiare neglexerint, a perceptione beneficiorum,
quae in ecclesia sic gravata obtinent, triennio¹ statuimus esse suspensos.
Laici vero qui praelatos vel capitula ecclesiarum seu alias personas eccle-
sias^s tasticas, ad submissiones huiusmodi faciendas hactenus compulerunt,
nisi post competentem monitionem, remissa submissione quam per vim
vel metum exegerant, ecclesias et bona ecclesiastica eis submissa taliter
in sua libertate dimittant, illi etiam qui de cetero praelatos vel personas
easdem ad talia facienda compulerint, cuiuscumque sint conditionis⁰ aut
10 status, excommunicationis sint sententia innodati. Ex contractibus prae-
terea super praemissis huiusmodi, licentia et consensu intervenientibus,
hactenus initis vel quos in futurum iniri continget, seu occasione illorum,
laici ultra id quod eis ex natura contractuum ipsorum vel adhibita in illis
lege permittitur, aliquid non usurpent. Qui vero secus egerint, nisi
is legitime moniti ab huiusmodi usurpatione destiterint, restituendo etiam
quae taliter usurparant, eo ipso sententiam excommunicationis incurrant
et extunc ad supponendum terram ipsorum, si opus fuerit, ecclesiastico
interdicto, libere procedatur.¹

De religiosis domibus, »S episcopo sint subiectae

m 23.2 Religionum diversitatem nimiam, ne confusionem induceret, gene-
rale concilium³ consulta prohibitionem vitavit. Sed quia non¹ soluma impor-
tuna petentium inhiatio illarum postmodum multiplicationem extorsit, ve-
rum etiam aliquorum praesumptuosa temeritas diversorum ordinum, prae-
cipue mendicantium, quorum nondum approbationes meruere principium,
as effrenatam quasi multitudinem adinvenit, repetita constitutione distric-
tius inhibentes, ne aliquis de cetero novum ordinem aut religionem
inveniat vel habitum novae religionis assumat, cunctas^d affatim religiones
et ordines mendicantes post dictum concilium adinventos, qui nullam
confirmationem sedis apostolicae meruerunt, perpetuae prohibitioni sub-
30 icimus et quatenus' processerant', revocamus. Confirmatos tamen per
sedem eandem, post idem concilium institutos, quibus ad congruam
sustentationem redditus aut possessiones habere professio sive regula vel
constitutiones quaelibet interdiciunt sed per quaestum publicum tribuere
victum solet incerta mendicitas, modo subsidere decernimus infrascripto,
35 ut professoribus eorumdem ordinum ita liceat in illis remanere, si velint
quod nullum deinceps ad eorum professionem admittant, nec de novo
domum aut aliquem locum acquirant nec domos seu loca quae habent^e
alienare valeant, sine sedis eiusdem licentia speciali. Nos enim ea disposi-
tioni sedis apostolicae reservamus, in Terrae sanctae subsidium vel
10 pauperum aut alios pios usus per locorum ordinarios vel eos quibus sedes
ipsa commiserit, convertenda. Si vero secus praesumptum fuerit, nec

¹ om. IF b per triennium add. IF c dignitatis IF

^d cunctos *R* c quae praecesserant IF

* de novo ... habent] domos seu loca alia emant nec huiusmodi IF

¹ c. 2 III 9 in F7° (Fr 2,1042-1043). » c. 28 in BN.

^e Cf. conc. Lat. IV, c. 13 (v. supra p. 242).

tion, and clerics who know that the prohibition has been violated but fail to give notice of it to the superior, are automatically suspended for three years from receiving the fruits of benefices they hold in the church so oppressed. The laity, indeed, who have hitherto forced prelates, chapters of churches or other ecclesiastical persons to make these submissions, are to be bound by sentence of excommunication, unless after suitable admonition, having given up the submission they exacted through force or fear, they set free the churches and return the property thus surrendered to them. Those also who in future shall compel prelates or other ecclesiastical persons to make such submissions are also to be excommunicated, whatever be their condition or status. Even when contracts have been or will be made with the due leave and consent, or on the occasion of such contracts, the laity are not to transgress the limits set by the nature of the contract itself or the law on which the contract is based. Those indeed who act otherwise, unless after lawful admonition they desist from such usurpation, restoring also what they have usurped, incur automatic excommunication, and henceforward the way is open, if need be, to lay their land under ecclesiastical interdict.¹

On religious houses, that they are to be subject to the bishop

23.2 A general council³ by a considered prohibition averted the excessive diversity of religious orders, lest it might lead to confusion. Afterwards, however, not only has the troublesome desire of petitioners extoned their multiplication, but also the presumptuous rashness of some has produced an almost unlimited crowd of diverse orders, especially mendicant, which have not yet merited the beginnings of approval. We therefore renew the constitution, and severely prohibit that anyone found henceforth a new order or form of religious life, or assume its habit. We perpetually forbid absolutely all the forms of religious life and the mendicant orders founded after the said council which have not merited confirmation of the apostolic see, and we suppress them in so far as they have spread. As to those orders, however, confirmed by the apostolic see and instituted after the council, whose profession, rule or constitutions forbid them to have revenues or possessions for their fitting support but whose insecure mendicancy usually provides a living through public begging, we decree that they may survive on the following terms. The professed members of these orders may continue in them if they are willing not to admit henceforth anyone to profession, nor to acquire a new house or land, nor to have power to alienate the houses or land they have, without special leave of the apostolic see. We reserve these possessions for the disposal of the apostolic see, to be used for aid to the holy Land or for the poor or to be turned to other pious uses through local ordinaries or others commissioned by the apostolic see. If the above conditions are violated, neither the reception of persons nor the acquisition

¹ ch. 2 III 9 *Sext* (Fr 2, 1042-1043). ² const. 28 in BN.

³ See Lateran council IV, const. 13 (see above p. 242).

personarum receptio nec domorum vel locorum acquisitio aut ipsorum ceterorumque bonorum alienatio valeat, et nihilominus contrarium facientes, sententiam excommunicationis incurrant. Personis quoque ipsorum ordinum omnino interdiciamus, quoad extraneos, praedicationis et audiendae confessionis officium ac etiam sepulturam¹. Sane ad Praedicatorum et Minorum ordines, quos evidens ex eis utilitas ecclesiae universali proveniens perhibet approbatos, praesentem non patimur constitutionem extendi. Ceterum Carmelitarum et Eremitarum sancti Augustini ordines, quorum institutio dictum concilium generale praecessit^b, in suo statu manere concedimus, donec de ipsis fuerit aliter ordinatum. Intendimus siquidem tam de illis quam de reliquis etiam non mendicantibus ordinibus, prout animarum saluti et eorum statui expedire viderimus, providere. Ad haec personis ordinum, ad quos constitutio praesens extenditur, transeundi ad reliquos ordines approbatos, licentiam concedimus generalem, ita quod nullus ordo ad alium vel conventus ad is conventum se ac loca sua totaliter transferat, sedis eiusdem permissione super hoc specialiter non obtenta.¹

De ctnsibus et procurationibus

24.2 Exigit perversorum audacia ut non simus sola delictorum prohibitionem contenti, sed poenam etiam delinquentibus imponamus. Constitutio-
nem itaque felicitis recordationis Innocentii papae IV³ praedecessoris nostri editam super non recipiendis in pecunia procurationibus et super receptione munerum visitantibus eorumque familiis interdicta, quam multorum fertur temeritas praeterire, volentes inviolabiliter observari, eam decrevimus poenae adiectione iuvandam, statuentes ut universi et singuli
qui, ob procurationem sibi ratione visitationis debitam, exigere pecuniam vel etiam a volente recipere, aut alias constitutionem ipsam, recipiendo munera sive visitationis officio non impenso procurationem in victualibus aut aliquid aliud, procurationis occasione, violare praesumpserint, duplum eius quod receperint, ecclesiae a qua id receptum fuerit, infra
mensem reddere teneantur; alioquin extunc patriarchae, archiepiscopi, episcopi duplum ipsum ultra praedictum tempus restituere differentes, ingressum sibi ecclesiae interdictum; inferiores vero ab officio et beneficio noverint se suspensos, quousque de duplo huiusmodi gravatis ecclesiis plenariam satisfactionem impendant, nulla eis in hoc dantium
remissione, liberalitate seu gratia valitura.⁴

a personis ... sepulturam] personas quorumcumque (personis quoque /0) ipsorum ordinum omnino praedicantes (praedicationis *K'*) et audiendae confessionis officium nec non vel admittendi extraneos ad sepulturam aliquos interdiciamus facultatem *W'*

b quorum ... praecessit] qui se asserunt ante dictum concilium institutos *B''*

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¹ c. un. III 17 in F7° (Fr 2, 1054-1055); cf. inter alios K. Balthasar, *Getcbichte det Armuts-sireitt im Frangiskasurorden bis gum Kongii von Vienne*, Munster i. W. 1911, 56. 79-81 ; v. etiam Martin nr. 1817-1819.

² c. 11 in BN. ³ Cf. c. 1 III 20 in VT° ÇJèt 2, 1056-1057).

⁴ c. 2 VII 20 in VI° (Fr 2, 1057); cf. W. E. Lunt, *Papal Revenues in ibe Middle Aget*, II New York 1934, 410, 421.

of houses or land nor the alienation of these or other property is valid, and in addition excommunication is incurred. We also forbid absolutely to members of these orders, in regard to externs, the office of preaching and hearing confessions and the right of burial. Of course we do not allow the present constitution to apply to the orders of Preachers and Minors; their approval bears witness to their evident advantage to the universal church. Furthermore, we grant that the order of Carmelites and that of the Hermits of Saint Augustine, the institution of which preceded the said general council⁶, may remain as they are, until other regulations are made for them. We intend in fact to provide both for them and for the other orders, even the non-mendicants, as we shall see to be for the good of souls and for the good state of the orders. We grant also a general permission to members of orders to which this present constitution applies, to pass to the other approved orders on this condition: no order is to transfer itself wholly to another, no community is to transfer itself and its possessions wholly to another, without special permission from the apostolic see.¹

On taxes and procurations

24.2 The boldness of wicked people demands that we should not be satisfied with merely forbidding offences, but should inflict punishment on the offenders. The constitution of Pope Innocent IV³, our predecessor of happy memory, forbade procurations to be received in the form of money, or the acceptance of gifts by pastoral visitors and their attendants. It is said that many rashly transgress this constitution. We wish it to be inviolably observed and have decreed that it should be strengthened by adding a penalty. We decree that one and all who presume, because of the procuration owing to them by reason of a visitation, to exact money or even to accept money from someone willing; or to violate the constitution in another way by accepting gifts or, without making the visitation, accepting procurations in food or anything else; are obliged to give back double of what they have received to the church from which they received it, and this within a month. If they do not, from that time patriarchs, archbishops and bishops who put off restoration of the double payment beyond the said period, are to know that entry into the church is forbidden them; and lower clergy are to know that they are suspended from office and benefice until they have made full satisfaction of this double to the burdened churches; the remission, liberality or kindness of the givers is to avail nothing.⁴

b the institution ... council] which claim to have been founded before the said council W

¹ ch. 1 III 17 *Sext* (Fr 2, 1054-1055); see among others K. Balthasar, *Geschichte des Armutsstreits im Franziskanerorden bis zum Konzil von Vienne*, Münster in Westphalia 1911, 56, 79-81; see also Martin nos. 1817-1819. J. Moorman, *History of the Franciscan Order... to the Year 1517*, Oxford 1968, 177-178.

• const. 11 in BN. ³ See ch. 1 III 20 *Sext* (Fr 2, 1056-1057).

⁴ ch. 2 HI 20 *Sext* (Fr 2, 1057); see W. E. Lunt, *Papal Revenues in the Middle Ages*, II New York 1934, 410, 421.

*De immunitate ecclesiarum**

25.1 *Decet domum Domini sanctitudo*², decet, ut cuius *in pace factus est locus eius*^f sit cultus cum debita veneratione pacificus. Sit itaque ad ecclesias humilis et devotus ingressus, sit in eis quieta conversatio, Deo grata, & insipientibus placida, quae considerantes non solum instruat sed reficiat. Convenientes ibidem *nomen* illud *quod est super omne nomen*^{*}, a quo aliud sub coelo non est datum hominibus, in quo salvos heri credentes oporteat⁵, *nomen* videlicet Iesu Christi, qui *salvum faciet populum suum a peccatis eorum*⁶, exhibitione reverentiae specialis attollant, et
 10 quod generaliter scribitur, *ut in nomine Iesu omne genu flectatur*¹, singuli singulariter in seipsis implentes, praecipue dum aguntur missarum sacra mysteria, gloriosum illud nomen quodcumque recolitur, flectant genua cordis su[?], quod^b vel capitis inclinatione testentur. Attendantur in locis
 15 ipsis intentis praecordiis sacra⁴ solemnia, devotis animis orationibus intendatur. Nullus in locis eisdem in quibus cum pace ac quiete vota convenit celebrari, seditionem excitet, conclamationem moveat, impetumve committat. Cessent in illis universitatum et societatum quarumlibet consilia, conciones et publica parlamenta. Cessent vana et multo fortius foeda et prophana colloquia. Cessent confabulationes quaelibet. Sinte
 20 postremo quaecumque alia divinum turbare possunt officium aut oculos divinae maiestatis offendere, ab ipsis prorsus extranea, ne ubi peccatorum est venia postulanda, ibi peccandi detur occasio aut deprehendantur peccata committi. Cessent in ecclesiis earumque cimiteriis negotiationes et praecipue nundinarum ac fori cuiusque tumultus. Omnis in eis saecularium iudiciorum strepitus conquiescat. Nulla inibi causa per laicos,
 25 criminalis maxime, agitur. Sint loca eadem a laicorum cognitionibus aliena. Ordinarii locorum haec faciant observari, suadenda suadeant, interdicta huius canonis auctoritate compescant, ad haec alios etiam in ecclesiis ipsis magis assiduos et ad praemissa idoneos deputando. Et
 30 nihilominus processus iudicum saecularium ac specialiter sententiae prolatae in eisdem locis, omni careant robore firmitatis. Qui vero praemissas inhibitiones animo petulanti contempserint, praeter processum ordinariorum et deputandorum ab ipsis, divinae ultionis et nostrae poterunt acrimoniam formidare, donec suum confessi reatum, a similibus, firmato
 35 proposito, deliberaverint abstinere.^{8*}

Dt usuris

26.® Usurarum voraginem, quae animas devorat et facultates exhaurit, compescere cupientes, constitutionem Lateranensis concilii¹⁰ contra usurarios editam, sub divinae maledictionis interminatione, praecipimus
 40 inviolabiliter observari. Et quia quo minor feneratoribus aderit feneratori commoditas, eo magis adimetur fenus exercendi libertas, hac

a flectant et corporis, si patitur tunc facultas <zdtf. B7 b om. gz
 c eis B7 d missarum add. B7 « sive B7 f sint add. B7

1 c. 23 in BN. * Ps 92, 5. » Ps 75,3. 4 Ph 2, 9. * Cf. Ac 4 12.
 • Mt 1,21. Ph 2, 10. » c. 2 III 23 in VI^o (Fr 2,1061-1062).
 » c. 24 in BN. 10 Cf. conc. Lat. III, c. 25 (v. supra p.

On the immunity of churches

25.¹ *Holiness befits the house of the Lord*¹; it is fitting that he whose *abode has been established in peace*³ should be worshipped in peace and with due reverence. Churches, then, should be entered humbly and devoutly; behaviour inside should be calm, pleasing to God, bringing peace to the beholders, a source not only of instruction but of mental refreshment. Those who assemble in church should extol with an act of special reverence that *name with is above every name*³, than which no other under heaven has been given to people, in which believers must be saved⁵, the name, that is, of Jesus Christ, who *will save his people from their sins*⁶. Each should fulfil in himself that which is written for all, *that at the name of Jesus every knee should bow*⁷; whenever that glorious name is recalled, especially during the sacred mysteries of the mass, everyone should bow the knees of his heart, which he can do even by a bow of his head. In churches the sacred solemnities should possess the whole heart and mind; the whole attention should be given to prayer. Here where it is proper to offer heavenly desires with peace and calm, let nobody arouse rebellion, provoke clamour or be guilty of violence. The consultations of universities and of any associations whatever must cease to be held in churches, so also must public speeches and parliaments. Idle and, even more, foul and profane talk must stop; chatter in all its forms must cease. Everything, in short, that may disturb divine worship or offend the eyes of the divine majesty should be absolutely foreign to churches, lest where pardon should be asked for our sins, occasion is given for sin, or sin is found to be committed. No more business is to be conducted in churches or their cemeteries, especially they are not to have the bustle of markets and public squares. All noise of secular courts must be stilled. The laity are not to hold their trials in churches, more especially criminal cases. The church is not to be a place for lay judicial inquiries. Local ordinaries should see that all this is observed, persuade where persuasion is needed, suppress by their authority what is forbidden by this canon. They should also depute for this purpose persons in the churches who are most assiduous and suitable for the above aims. Moreover, the proceedings of secular judges, and in particular the sentences passed in these sacred places, are to lack all validity. Those indeed who impudently defy the above prohibitions, in addition to the sanctions imposed by ordinaries and their deputies, will have to fear the sternness of the divine retribution and our own until, having confessed their guilt, they have firmly resolved to avoid such conduct for the future.⁸⁹

On usury

26? Wishing to close up the abyss of usury, which devours souls and swallows up property, we order under threat of the divine malediction that the constitution of the Lateran council¹⁰ against usurers be inviolably observed. Since the less convenient it is for usurers to lend, the more their freedom to

¹ const. 23 in BN. ² Ps 92, 5. ³ Ps 73, 3. ⁴ Ph 2, 9. ⁵ See Ac 4, 12.

⁶ Mt 1, 21. ⁷ Ph 2, 10. ⁸ ch. 2 III 23 Sext (Fr 2, 1061-1062).

⁹ const. 24 in BN. ¹⁰ See Lateran council III, canon 25 (see above p. 223).

generali constitutione sancimus, ut nec collegium nec alia universitas vel singularis persona, cuiuscunque sit dignitatis, conditionis aut status, alienigenas et alios non oriundos de terris ipsorum¹* publice pecuniam fenebrem exercentes aut exercere volentes, ad hoc domos in terris suis conducere vel conductas habere aut alias habitare permittat⁸, sed huiusmodi usurarios manifestos omnes infra tres menses de terris suis expellant, numquam aliquos tales^d de cetero admissuri. Nemo illis ad fenus exercendum domos locet vel sub alio titulo quocunque concedat'. Qui vero contrarium fecerint, si personae fuerint ecclesiasticae, patriarchae[^], archiepiscopis, episcopi⁸, suspensionis; minores vero personae^l singulares*, excommunicationis; collegium autem seu^l* alia universitas, interdicti sententiam ipso facto se noverint incursuros. Quam si per mensem animo sustinuerint indurato, terrae^l ipsorum, quandiuTM in eis iidem usurarii commorantur, extunc ecclesiastico subiaceant interdicto. Ceterum " si " laici fuerint, per suos ordinarios ab huiusmodi excessu, omni¹⁵ privilegio cessante, per censuram ecclesiasticam compescantur^{0.1}

27.2 Quamquam? usurarii manifesti de usuris quas receperant, satisfieri*' expressa quantitate vel indistincte in ultima voluntate mandaverint, nihilominus tamen eis sepultura ecclesiastica denegetur, donec vel de usuris ipsis fuerit, prout patiuntur facultates eorum, plenarie satisfactum²⁰ vel illis quibus est facienda restitutio, si praesto sint' ipsi' aut alii qui eis possint acquirere vel, eis absentibus, loci ordinario aut eius vices gerenti sive rectori parochiae in qua testator habitat, coram aliquibus fidedignis de ipsa parochia (quibus quidem ordinario, vicario et rectori, praedicto' modo¹, cautionem huiusmodi, eorum nomine liceat praesentis constitutionis auctoritate recipere, ita quod illis proinde actio acquiratur), aut servo publico de ipsius ordinarii mandato, idonee de restitutione facienda sit cautum. Ceterum si receptarum usurarum sit quantitas manifesta, illam semper in cautione praedicta exprimi volumus; alioquin aliam recipientis cautionem huiusmodi' arbitrio moderandam. Ipse tamen scienter non^m minorem quam verisimiliter creditur, moderetur et si secus fecerit, ad

3 alienigenas ... ipsorum *om.* W7 b permittant (permittat /C) U7

c sed ... suis] sed infra tres menses ipsos usurarios manifestos de terris suis omnes W

d numquam ... tales] ipsos vel alios ipso crimine similiter irretitos numquam W

c Nemo ... concedat *om.* B7 f si ... patriarchae *om.* B7 g vel W

b alique maiores *add.* B' i si regulares (singulares A7) personae sint H7

* collegium ... seu] si autem B7 l tempore (terrae K) B7 m in quibus B7

n si vero V

o Sententiam excommunicationis insuper incurrant omnes qui usurariis manifestis ad fenus exercendum domos locarent vel sub quocumque alio titulo duxerint concedendas V⁴⁰

P praesenti quoque adicimus sanctioni, ut quicumque (quamquam K) B7

q usuris ... satisfieri] usuris (quas *add.* /C) receperint satisfacere B7

r fuerit (fuerint /Q W > IT t ^arn ... huiusmodi] ex ipsius ordinarii W

l c. 1 v 5 M (Fr 2,1081); de c. 26 et 27 cf. inter alios T. P. McLaughlin, *The Teathint of the Canonist on Untry ...*, Mediaeval studies 2 (1940) 3,7-8,9-10; G. Le Bras DThC 1 f (1948) 2365. l c. 25 in BN. 15

practise usury is curtailed, we ordain by this general constitution as follows. Neither a college, nor other community, nor an individual person, of whatever dignity, condition or status, may permit those foreigners and others not originating from their territories³, who practise usury or wish to do so, to rent houses for that purpose or to occupy rented houses or to live elsewhere. Rather, they must expel all such notorious usurers from their territories within three months, never to admit any such for the future. Nobody is to let houses to them for usury, nor grant them houses under any other title⁶. Those indeed who act otherwise, if they are ecclesiastical persons, patriarchs, archbishops or bishops, are to know that they incur automatic suspension; lesser individual persons, excommunication; colleges or other communities, interdict. If they remain obdurate throughout a month, their territories shall lie henceforth under ecclesiastical interdict as long as the usurers remain there. Furthermore, if they are layfolk, they are to be restrained from such transgression through their ordinaries by ecclesiastical censure, all privileges ceasing.⁰¹

27.2 Although notorious usurers give orders in their wills that restitution be made for their usurious gains, either in express terms or in general, ecclesiastical burial is nevertheless to be refused until full restitution has been made as far as the usurer's means allow, or until a pledge has been given of fitting restitution. This pledge is to be given to those to whom restitution is due, if they themselves or others who can receive for them are present. If they are absent, the pledge is to be given to the local ordinary or his vicar or the rector of the parish where the testator lives, in the presence of trustworthy persons from the parish (the ordinary, vicar and rector, as just mentioned, shall have permission to receive such pledge in their name by authority of the present constitution, so that these ecclesiastics have the right to action). The pledge may also be given to a public servant commissioned by the ordinary. If the sum owing from usury is openly known, we wish this sum always to be expressed in the pledge; if the amount is not clearly known, the sum is to be determined by the receiver of the pledge¹. The receiver must make his estimate at not less than the probable amount; if he

⁴ foreigners ... territories *omitted in W*

⁵ Nobody ... title *omitted in W*

⁰ In addition, sentence of excommunication is incurred by all who let houses to notorious usurers for usury or who allow houses to be granted under any other title V/

¹ receiver ... pledge] ordinary himself W

¹ ch. 1 V 5 *Sext* (Fr 2, 1081); on const. 26 and 27 see among others T. P. McLaughlin, *The Teaching of the Canonists on Usury ...*, *Mediaeval studies* 2 (1940) 3, 7-8, 9-10; G. Le Bras, *DThC* 15 (1948) 2365.

■ const. 25 in BN.

satisfactionem residui teneatur. Omnes autem religiosos et alios, qui manifestos usurarios contra praesentis sanctionis* formam ad ecclesiasticam admittere ausi fuerint⁶ sepulturam, poenae in Lateranensi concilio¹ contra usurarios promulgatae⁰, statuimus subiacere. Nullus manifestorum
 s usurariorum testamentis intersit aut eos ad confessionem admittat sive ipsos absolvat, nisi de usuris satisfecerint vel de satisfaciendo pro suarum viribus facultatum praestent, ut praemittitur, idoneam cautionem. Testa-
 10 menta quoque manifestorum usurariorum aliter facta non valeant, sed sint irrita ipso iure^d?

10

De iemtriu et damno dato

28? Etsi pignorationes quas vulgaris elocutio represalias nominat, in quibus alius pro alio praegravatur, tanquam graves, legibus et aequitati naturali contrariae, civili sint constitutione prohibitaе, ut tamen earum prohibitio
 is inhibentur, eas concedi contra personas praedictas seu bona ipsarum, aut quantumcumque generaliter praetextu cuiusvis consuetudinis, quam potius reputamus abusum, forte concessas, ad illas extendi praesenti decreto districtius inhibemus. Illi autem qui contra fecerint, adversus
 so ad eas, nisi praesumptionem huiusmodi revocaverint, a concessionis vel extensionis tempore infra mensem, si personae singulares fuerint, sententiam excommunicationis incurrant; si vero universitas, ecclesiastico subiaceat interdicto.⁴

De sententia excommunicationis

25 29? Constitutionem felicitis recordationis Innocentii papae IV^e praedecessoris nostri, quae prohibet participantes excommunicatis ea participatione quae solam minorem excommunicationem inducit, monitione canonica non praemissa maiori excommunicatione ligari, decernens promulgatam
 m aliter excommunicationis sententiam non tenere, ad tollendum omnem ambiguitatis scrupulum, declarantes decernimus ita demum monitionem esse canonicam in hoc casu si, aliis rite servatis, eos qui monentur, exprimat nominatim. Statuimus quoque ut inter monitiones quas, ut canonicae promulgetur excommunicationis sententia, statuunt iura permitti, iudices, sive monitionibus tribus utantur sive una pro omnibus, observent
 35 aliquorum dierum competentia intervalla, nisi facti necessitas ea suaserit aliter moderanda.⁷

a constitutionis ft⁷6 vd ad confessionem vel ad absolutionem vd ad communionem vel ad *add.* B7c poenae ... promulgatae] poenae praedicti (concilii *add. K*) B740 d Nullus ... iure *om.* \T

1 Cf. conc. Lat. III, c. 25 (v. supra p. 223).

1 c. 2 V 5 in VI⁰ (Fr 2, 1081-1082); cf. Goiter, *Zur Getcbichte* ... 86.* c. 19 in BN. ' c. un. V 8 in VI⁰ (Fr 2, 1089). * c. 12 in BN.

• Cf. conc. Lugd. I, c. 21 (v. supra p. 292).

7 c. 9 V 11 in VI⁰ (Fr 2, 1101-1102).

does otherwise, he is obliged to restitution for anything still owing. We decree that all religious and others who presume to grant ecclesiastical burial to notorious usurers, contrary to this decree, are subject to the penalty promulgated against usurers at the Lateran council*. Nobody is to assist at the wills of notorious usurers or hear their confessions or absolve them, unless they have made restitution for their usury or have given a fitting guarantee, as far as they can, as described above. The wills made in any other way by notorious usurers have no validity, but are by law null and void^{1,2}

On wrongs and the loss caused

28? The distrains which in the vernacular are called “reprisals”, by which some people are burdened in place of others, have been forbidden by the civil constitution as oppressive and contrary to the laws and natural equity. In order, however, that offenders may have greater fear of breaking the law where ecclesiastical persons are concerned, in accordance with the more particular prohibition of reprisals against them, we severely forbid the granting of reprisals against ecclesiastical persons or their goods. By this present decree we also forbid the extension of such reprisals, perhaps granted universally on pretext of some custom which we would prefer to call an abuse, to these persons. Those who act otherwise, by granting distrains or reprisals against such persons or extending the grant to include them, unless they revoke such presumption within a month, incur sentence of excommunication, if they are individuals; they are to be laid under ecclesiastical interdict, if they are a community’.³

On the sentence of excommunication

29? The constitution of Pope Innocent IV⁶, our predecessor of happy memory, forbids that those who communicate with excommunicated persons in matters carrying only a minor excommunication should be bound, without first receiving canonical admonition, by a major excommunication; the sentence of excommunication thus promulgated does not bind. In order to remove any scruple of ambiguity, we declare that the admonition is canonical only if, after all other formalities have been duly observed, it names the persons admonished. We decree also that in the course of the admonitions required for the sentence to be promulgated canonically, the judges, whether they give three admonitions or one for all three, should observe fitting intervals of some days, unless the urgency of the situation counsels otherwise.⁷

b confession or absolution or communion or *added in*

d Nobody ... void *omitted in W*

¹ See Lateran council III, canon 25 (see above p. 223).

² ch. 2 V 5 *Sext* (Fr 2, 1081-1082); see Gôller, *Zur Geschichte* ... 86.

³ const. 19 in BN. ⁴ ch. 1 V 8 *Sext* (Fr 2, 1089). ⁵ const. 12 in BN.

⁶ See council of Lyons I, const. 21 (see above p. 292).

⁷ ch. 9 V 11 *Sext* (Fr 2, 1101-1102).

30? Praesenti generali declaramus edicto beneficium relaxationis ad cautelam, quoad interdicti sententias in civitates, castra vel quaelibet alia loca generaliter promulgatas, locum aliquatenus non habere.²

31? Quicumque pro eo quod in reges, principes, barones, nobiles, ballivos vel quoslibet ministros eorum aut quoscunque alios excommunicationis, suspensionis seu interdicti sententia fuerit promulgata, licentiam alicui dederint occidendi, capiendi seu alias in personis aut bonis suis vel suorum gravandi eos qui tales sententias protulerunt, sive quorum sunt occasione prolatae vel easdem sententias observantes seu taliter excommunicatis communicare nolentes, nisi licentiam ipsam re integra revocaverint vel si ad bonorum captionem, occasione ipsius licentiae, sit processum, nisi bona ipsa sint infra octo dierum spatium restituta aut satisfactio pro ipsis impensa, in excommunicationis sententiam incidant ipso facto³. Eadem quoque sint sententia innodati omnes qui ausi fuerint praedicta licentia data uti, vel aliquid praemissorum, ad is quae committenda licentiam dari prohibuimus, alias committere suob motub. Qui autem in eadem sententia permanserint duorum mensium spatio, extunc ab ea non possint nisi per sedem apostolicam absolutionis beneficium obtinere?

3 in — facto] eo ipso excommunicationis sententiam incurrant iF
b per se ipsos

1 c. 13 in BN. « c. 10 V 11 in *VP* (Fr 2, 1102). J c. 20 in BN

4 c. 11 V 11 in *VI*^o (Fr 2, 1102).

30.¹ By the present general decree we declare that the benefit of provisional absolution does not in any way apply to cities, villages or any other places against which a general interdict has been promulgated?

31? Whoever, from the fact that a sentence of excommunication, suspension or interdict has been promulgated against kings, princes, barons, nobles, bailiffs or their agents or anyone else, gives leave to someone to kill, capture or molest, in their persons or goods or in those of their relatives, those who have published such sentences, or on whose account the sentences were published, or who observe such sentences or refuse to communicate with those so excommunicated, unless they revoke in time such permission, automatically fall under sentence of excommunication. If property has been seized on the occasion of such permission, the same sentence is incurred unless the goods are returned within eight days or satisfaction is made for the loss. All who have dared to make use of the permission, or commit on their own initiative any of the above crimes for which we have forbidden permission to be given, are bound by the same sentence. Those who remain under this sentence of excommunication for two months cannot henceforth obtain absolution except through the apostolic see?

¹ const. 13 in BN. ² ch. 10 V 11 *Sext* (Fr 2, 1102). ³ const. 20 in BN.

⁴ ch. 11 V 11 *Sext* (Fr 2, 1102).

Vienne

îïïï^ïïñ

INTRODUCTION

The general council of Vienne was summoned by pope Clement V with the bull *Regnans in caelis*¹, which he had written on 12 August 1308 at Poitiers (the Roman pontiff had remained in France from the year of his election, thus beginning the period of the church's history known as the Avignon captivity). The pope was subject to forceful pressure from the European states, particularly from France. Philip IV of France, the king who had opposed Boniface VIII so bitterly, had so much power over Clement V that he seems to have been able to change the whole state of ecclesiastical affairs at will². The council of Vienne is seen as an outstanding example of this political pressure, although the pope energetically defended the liberty of the church as far as circumstances allowed and he himself had the power. The council had been summoned for 1 October 1310 at Vienne. This city did not belong to the kingdom of France, though Philip IV in 1310 had occupied nearby Lyons by force. There were no general summonses and only 231 ecclesiastics were invited; the others however could employ a procurator⁴⁵

The complaint against the Templars seems to have been the first and greatest concern of the council. Thus the bull convoking the council was written at the same time as Clement V summoned the Templar order to a canonical enquiry. Through the whole of Europe cases were heard concerning the order and individual Templars³. This work had not been completed by 1310 and so the pope deferred the opening of the council to 1 October 1311⁶. Events had moved, however, in such a way that the Templars' condemnation and Philip's victory seemed very probable. This placed the authority and freedom of the council under severe constraint.

The council began at Vienne on the 16 October 1311⁷ in the presence of 20 cardinals, 4 patriarchs, about 100 archbishops and bishops, and a number of abbots and priors⁸. From the sermon given in the first session by Clement V, three questions were seen as of greatest importance: the case of the Templars, the business of the holy Land, and the reform of the church. Clement himself gave an account of the allegations which had been made against the Templar order⁹. The work of the council was carried on outside the full assembly, that is to say,

¹ See *Regestum Clementis papae V (= Regestum)*¹ III Rome 1886» 3626-3632 (Msi 25» 369-388); see among others H. Finke, *Papsttum und Untergang des Templerordens*, I Münster in Westphalia 1907, 230; Müller 13-18»

² See among others Finke, I, 86-110. ³ See Muller 18.

⁴ See Finke, II, 303-305; Müller 20-26, 663-670.

⁵ See Finke, I, 231-281 ; Muller 26-35. ⁶ *Regestum* 6293.

For the sources of the council of Vienne, see Muller 41-62; see also F. Ehrle, *Archiv für Literatur- und Kulturgeschichte des Mittelalters* 4 (1888) 361-470; 5 (1889) 574-583 (on which see Muller 671-679); on the text in MS Munich lat. 2699, see Müller 679-688.

⁵ See Müller 73-83. ⁹ See Müller 86-92.

through a consistory of cardinals together with the pope, and through a committee which was elected by the council fathers from their own body and which seems to have acted in place of the whole council; the full assembly merely confirmed the decrees and bulls, promulgating them in the second and third sessions. A commission of cardinals was appointed in order to probe the grievances and advice put forward by the bishops and other fathers on the subject of church reform".

The council fathers gave long and careful consideration to the case of the Templars. It is likely that they preferred the order to be allowed to defend itself against the accusations than to condemn it too easily and without sure proof. However, "all the difficult questions which were considered in the council seemed to be left doubtful or unsettled, or else to be treated orally"¹⁰ So when the case was still unresolved in January 1312, the fathers devoted themselves to the business of the holy Land and to decrees which seemed timely for the reform of ecclesiastical morals. Regarding the former, the delegates of the king of Aragon thought the city of Granada should first be attacked and occupied in order that the enemy might be enfeebled by a threat to each flank. Other fathers and ambassadors favoured an expedition to the east only¹³* As far as we know, however, after an agreement by kings and princes that a crusade to the holy Land was opportune and necessary, and the imposition of a tithe on all ecclesiastical provinces, no decision was taken".

Meanwhile in March 1312 Philip IV held a general assembly of his kingdom in Lyons, his object being to disturb and steamroller the minds of the council fathers and of the pope himself". Secret bargains had been made between Clement V and the envoys of Philip IV from 17 to 29 February 1312; the council fathers were not consulted. By this bargaining Philip obtained the condemnation of the Templars. It is most likely he used the threat that he would bring a public action against Boniface VIII¹¹. The king of France made for Vienne on 20 March, and after two days Clement V delivered to the commission of cardinals for approval the bull by which the order of Templars was suppressed (the bull *Vox in excelso*)¹². In the second session of the council, which took place on 3 April 1312, this bull was approved and the pope announced a future crusade¹⁸. The Templars' property, of immense value, was entrusted to other persons by the bulls *Adprovidam* of 2 May¹⁹ and *Nuper in concilio* of 16 May²⁰.

¹⁰ See below pp. 340-342 (Müller 92-99).

¹¹ See Müller 109-121. ¹² See Muller 133.

¹⁵ See Müller 162-167. ¹⁴ See Muller 169-175. 216-218.

¹⁵ See Muller 176-177. * See Müller 178-190.

¹ Printed in J. L. Villanueva, *Viage literano á las iglesias de Espana*, V Madrid 1806, 208-221; A. Benavides, *Memorias de D. Fernando IV de Castilla*, II Madrid 1860, 835-841; K. J. Hefele, *Zur Geschichtc des Aufhebung des Templerordens*, Theologischc Quartalschrift 48 (1866) 63-76; see also Muller 196-200. The bull is not printed in *Regestum*. See below pp. 336-343. r 1 l

¹⁵ See Muller 207-216. Clement V on 1 December 1312 published a bulk *Redemptor noster*, to raise a crusade tithe; see below pp. 350-354.

¹⁹ *Regestum* 7885-7886; see Müller 225; see below pp. 343-347.

²⁰ *Regestum* 7952; see Müller 226; see below* p. 349-350.

The fate of the Templars themselves was decided by the bull *Considerantes* of 6 May²¹. In the bulls *Licet dudum* (18 Dec. 1312)²² *Dudum in generali concilio* (31 Dec. 1312)²³ and *Licet pridem* (13 Jan. 1313)²⁴ Clement V gave further treatment to the question of the Templars' property.²⁵

In the third session of the council, which was held on 6 May 1312²⁶, certain constitutions were promulgated. We do not know their text or number. In Muller's opinion²⁷, what happened was this: the constitutions, with the exception of a certain number still to be polished in form and text, were read by the council fathers; Clement V then ordered the constitutions to be corrected and arranged after the pattern of decretal collections. This text, although read in the consistory held in the castle of Montcux near Carpentras on 21 March 1314²⁸, was not promulgated, since Clement V died a month later. It was pope John XXII who, after again correcting the constitutions, finally sent them to the universities. It is difficult to decide which constitutions are the work of the council. We adopt Muller's opinion²⁹ that 38 constitutions may be counted as such, but only 20 of these have the words "with the approval of the sacred council".

The texts that we publish are taken from Hefele's edition (see above p. 334, n. 17) for the bull *Vox in excelso*, and from the edition of the Vatican register (= *Regestum*) for the other bulls; for the text of the constitutions, we have used Friedberg's edition of *Corpus Iuris Canonici* (= Fr).

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²¹ *Regestum* 8784; see Müller 234-235; see below pp. 347-349.

²² *Regestum* 8974; see Müller 225 ff., 651; see below pp. 354-355.

²³ *Regestum* 9984; see Müller 224 ff., 417-418, 683; see below pp. 355-359.

Regestum 8973; see Müller 225; see below pp. 359-360.

²⁵ All the bulls and documents were regarded by Müller as works of the council; we have printed in smaller print those about which considerable doubts exist as to whether they should be so regarded.

²⁶ See Müller 227, 649-654. ²⁷ See Müller 387-422.

See Fr I, pp. ix-lxi; Müller 404. ²⁹ See Müller 408-422.

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I

[Bullae et scripta curiae Romanae de Templariorum ordine
et Terrae sanctae negotio]

[1]. Qemens episcopus servus servorum Dei, ad perpetuam rei memoriam. *Vox in excelso audita est lamentationis, fletus et luctus*¹, quia venit
s tempus, tempus venit, quo per prophetam conqueritur Dominus: *In
furorem et indignationem mibi facta est domus haec. Auferetur de conspectu meo
propter malitiam filiorum suorum, quia me ad iracundiam provocabant, vertentes ad
me terga et non facies, ponentes idola sua in domo, in qua invocatum est nomen
meum, ut polluerent ipsam. Aedificaverunt excelsa Baal, ut initiarent et con-
io serrarent filios suos idolis atque daemoniis*¹. *Profunde peccaverunt, sicut in diebus
Gabaa*³. Ad tam horrendum auditum tantumque horrorem vulgatae infamiae — quod quis umquam audivit tale? quis vidit huic simile? —
corrui cum audirem, contristatus sum cum viderem, amartdt cor meum, tenebrae exstupefecerunt me^{*}. *Vox enim populi de civitate, vox de templo, vox*
is *Domini reddentis retributionem inimicis suis*⁶. Exclamare propheta compellitur: *Da eis Domine, da eis vulvam sine liberis et ubera arentia*⁶. Nequitiae eorum revelatae sunt propter malitiam ipsorum. De domo tua eice illos, et siccetur radix eorum⁷, fructum nequaquam faciant, non sit *ultra domus*
haec *offendiculum amaritudinis et spina dolorem inferens*⁶. Non enim parva
m est fornicatio eius immolantis filios suos, dantis illos et consecrantis daemoniis et non Deo, diis quos ignorabant. Propterea in solitudinem et opprobrium, in maledictionem et in desertum erit domus haec, confusa nimis et adaequata pulveri, novissima deserta et invia et arens ab ira Domini, quem contempsit; non habitetur sed redigatur in solitudinem
25 et omnes super eam stupeant et sibilent super universis plagis eius. Non enim propter locum gentem, sed propter gentem locum eldgit Dominus. Ideo et ipse locus templi particeps factus est populi malorum, ipso Domino ad Salomonem aedi intern sibi templum, qui impletus est quasi flumine sapientia, apertissime praedicante: *Si aversione aversi fueritis filii vestri, non sequentes et colentes me sed abeuntes et colentes deos alienos et adorantes ipsos, proiciam eos a facie mea et expellam de terra quam dedi eis, et templum quod sanctificavi nomine meo a facie mea proiciam, et erit in proverbium et in fabulam et populis in exemplum. Omnes transeuntes videntes stupebunt et sibilabunt, et dicent: quare sic fecit Dominus templo et domui huic? Et respondebunt: quia recesserunt a domino Deo suo, qui emit et redemit eos, et secuti sunt Baal et deos alienos et adoraverunt eos et coluerunt. Idcirco induxit Dominus super ipsos hoc malum grande*¹⁰. Sane dudum circa nostrae promotionis ad apicem summi pontificatus initium, etiam antequam Lugdunum, ubi recepimus nostrae coronationis insignia¹¹, veniremus, et post tam ibi quam alibi secreta quorundam nobis insinuatio intimavit, quod magister, praeceptores et alii
«0 fratres ordinis Militiae Templi Hierosolymitani et etiam ipse ordo, qui

* Ir 31, 15. » Ir 32, 31-35. * Os 9, 9. ‹ Is 21, 3-4. * Is 66, 6.

• Os 9, 14. 7 Cf. Ib 18, 16. * Ez 28, 24. » Cf. Ir 50, 12-13.

10 3 Rg 9» 6-9. 11 A dic 5 iun. ad diem 14 nov. 1305.

I

[Bulls and ordinances of the Roman curia concerning the order of the Templars and the business of the holy Land]

[1] Clement, bishop, servant of the servants of God, for an everlasting record. /I voice was heard from on high, of lamentation and bitter weeping', for the time is coming, indeed has come, when the Lord shall complain through his prophet: *This house has aroused my anger and wrath, so that I will remove it from my sight because of the evil of its sons, for they have provoked me to anger, turning their backs to me, not their faces, and setting up their idols in the house in which my name is invoked, to defile it. They have built the high places of Baal in order to consecrate their sons to idols and demons*². *They have sinned deeply as in the days of Gibeah*³. When I learnt of such deeds of horror, at the dread of such notorious scandal — for who ever heard of such infamy? who ever saw the like? — *I fell down at hearing it, I was dismayed at seeing it, my heart grew embittered and darkness overwhelmed me*⁴. *Hark, a voice of the people from the city! a voice from the temple! the voice of the Lord rendering recompense to his enemies*⁵. The prophet is compelled to exclaim: *Give them, Lord, a barren womb and dry breasts*⁶. Their worthlessness has been revealed because of their malice. Throw them out of your house, and let their roots dry up⁷; let them not bear fruit, and let not this house be *any more a stumbling block of bitterness or a thorn to hurt*⁸.

Not slight is the fornication of this house, immolating its sons, giving them up and consecrating them to demons and not to God, to gods whom they did not know. Therefore this house will be desolate and in disgrace, cursed and uninhabited, thrown into confusion and levelled to the dust, lowly, forsaken, inaccessible, spurned by the anger of the Lord, whom it has despised; let it not be lived in but reduced to a wilderness. Let everyone be astonished at it and hiss at all its wounds⁹. For the Lord did not choose the people on account of the place, but the place on account of the people. Therefore the very place of the temple was made to share in the punishment of the people, as the Lord proclaimed openly to Solomon when he built the temple for him, to Solomon who was filled with wisdom like a river: *But if your sons turn aside from me, not following and honouring me but going instead after strange gods and worshipping them, then I will cut them off from before me and expel them from the land which I have given to them; and the temple which I have consecrated to my name I will cast out of my sight, and it will become a proverb and a byword among all peoples. Everyone passing by it will be astonished and shall hiss, and shall say, "Why has the Lord done thus to this temple and to this house?" And they will say: "Because they forsook the Lord their God who bought and redeemed them, and followed instead Baal and other gods, worshipping and serving them. Therefore the Lord has brought all this evil upon them"*¹⁰.

Indeed a little while ago, about the time of our election as supreme pontiff, before we came to Lyons for our coronation¹¹, and afterwards, both there and elsewhere, we received secret intimations against the master, preceptors and other brothers of the order of Knights Templar of Jerusalem and also against the

1 Jer 31, 15. 2 Jer 32, 31-35. 3 Hos 9, 9. 4 Is 21, 3-4. 5 Is 66, 6.
 6 Hos 9, 14. 7 See Job 18, 16, 8 Ez 28, 24. 9 See Jer 50, 12-13.
 10 3 Kg 9, 6-9. 11 From 5 June to 14 November 1305.

ad defensionem patrimonii domini nostri Iesu Christi fuerant in transmarinis partibus constituti et speciales fidei catholicae pugiles et Terrae sanctae praecipui defensores ipsius Terrae negotium gerere principaliter videbantur, propter quod sacrosancta Romana ecclesia eosdem fratres et ordinem specialis favoris plenitudine prosequens, eos adversus Christi s hostes crucis armavit signaculo, multis exaltavit honoribus et diversis libertatibus et privilegiis communivit, et tam ipsius quam cunctorum Christi fidelium manus cum multiplici erogatione bonorum sentiebant multifarie multisque modis¹ propter hoc adiutrices contra ipsum dominum Iesum Christum in scelus apostasiae nefandae, detestabile idolatriae io vitium, execrabile facinus Sodomorum et haereses varias erant lapsi. Sed quia non erat verisimile, nec credibile videbatur, quod viri tam religiosi, qui praecipue pro Christi nomine suum saepe sanguinem effuderunt ac personas suas mortis periculis frequenter exponere videbantur, quique magna tam in divinis officiis quam in ieiuniis et aliis observantiis is devotionis signa frequentius praetendere videbantur, suae sic essent salutis immemores, quod talia perpetrarent, praesertim cum idem ordo bonum et sanctum initium habuerit et a sede apostolica gratiam approbationis perceperit et per sedem eandem ipsius ordinis regula utpote sancta, rationabilis atque iusta meruerit approbari, eiusmodi insinuationi 20 et delationi ipsorum, eiusdem Domini nostri exemplis et canonicae scripturae doctrinis edocti, aurem noluimus inclinare. Deinde vero carissimus in Christo filius noster Philippus, rex Francorum illustris², cui eadem fuerant facinora nuntiata, non typo avaritiae — cum de bonis Templariorum nihil sibi vindicare aut appropriate intenderit, immo ea in regno suo 25 dimisit,³ manum suam exinde totaliter amovendo — sed fidei orthodoxae fervore, suorum progenitorum vestigia clara sequens, accensus, de praemissis quantum licite potuit se informans, ad instruendum et informandum nos super his, multas et magnas nobis informationes per suos nuntios et litteras destinavit. Infamia vero contra Templarios ipsos et ordinem 30 eorumdem increbrescente validius super sceleribus antedictis et quia etiam quidam miles eiusdem ordinis magnae nobilitatis, et qui non levis opinionis in dicto ordine habebatur, coram nobis secrete iuratus deposuit, quod ipse in receptione sua ad recipientis suggestionem praesentibus quibusdam aliis militibus Militiae Templi negavit Christum et exspuit super crucem sibi a dicto recipiente ostensam. Dixit etiam se vidisse, quod magister Militiae Templi³, qui vivit adhuc, recepit in conventu dicti ordinis ultramarino quemdam militem eodem modo, scilicet cum abnegatione Christi et exspuitione super crucem, praesentibus bene ducentis fratribus eiusdem ordinis, et audivit dici, quod sic in receptione fratrum dicti ordinis servabarur, quod ad recipientis vel ad hoc deputati suggestionem qui recipiebatur Iesum Christum negabat et super crucem sibi ostensam expuebat in vituperium Christi crucifixi, et quaedam alia faciebant recipiens et receptus, quae non sunt licita nec Christianae conveniunt honestati,

¹ Cf. Heb 1,1. ² Philippus IV (1286-1314).

³ Jacques de Moby (1298-1314).

order itself. These men had been posted in lands overseas for the defence of the patrimony of our lord Jesus Christ, and as special warriors of the catholic faith and outstanding defenders of the holy Land seemed to carry the chief burden of the said holy Land. For this reason the holy Roman church honoured these brothers and the order with her special support, armed them with the sign of the cross against Christ's enemies, paid them the highest tributes of her respect, and strengthened them with various exemptions and privileges; and they experienced in many and various ways' her help and that of all faithful Christians with repeated gifts of property. Therefore it was against the lord Jesus Christ himself that they fell into the sin of impious apostasy, the abominable vice of idolatry, the deadly crime of the Sodomites, and various heresies. Yet it was not to be expected nor seemed credible that men so devout, who were outstanding often to the shedding of their blood for Christ and were seen repeatedly to expose their persons to the danger of death, who even more frequently gave great signs of their devotion both in divine worship and in fasting and other observances, should be so unmindful of their salvation as to commit such crimes. The order, moreover, had a good and holy beginning; it won the approval of the apostolic see. The rule, which is holy, reasonable and just, had the deserved sanction of this see. For all these reasons we were unwilling to lend our ears to insinuation and accusation against the Templars; we had been taught by our Lord's example and the words of canonical scripture.

Then came the intervention of our dear son in Christ, Philip, the illustrious king of France². The same crimes had been reported to him. He was not moved by greed. He had no intention of claiming or appropriating for himself anything from the Templars' property; rather, in his own kingdom he abandoned such claim and thereafter released entirely his hold on their goods. He was on fire with zeal for the orthodox faith, following in the well marked footsteps of his ancestors. He obtained as much information as he lawfully could. Then, in order to give us greater light on the subject, he sent us much valuable information through his envoys and letters. The scandal against the Templars themselves and their order in reference to the crimes already mentioned increased. There was even one of the knights, a man of noble blood and of no small reputation in the order, who testified secretly under oath in our presence, that at his reception the knight who received him suggested that he deny Christ, which he did, in the presence of certain other knights of the Temple; he furthermore spat on the cross held out to him by this knight who received him. He also said that he had seen the grand master³, who is still alive, receive a certain knight in a chapter of the order held overseas. The reception took place in the same way, namely with the denial of Christ and the spitting on the cross, with quite two hundred brothers of the order being present. The witness also affirmed that he heard it said that this was the customary manner of receiving new members: at the suggestion of the person receiving the profession or his delegate, the person making profession denied Jesus Christ, and in abuse of Christ crucified spat upon the cross held out to him, and the two committed other unlawful acts

¹ See Hcb 1, 1. ² Philip IV (1285-1314).

³ James de Molay (1298-1314).

prout ipse tunc confessus exstitit coram nobis. Urgente nos ad id officii
 nostri debito, vitare nequivimus, quin tot et tantis clamoribus accomo-
 daremus auditum. Sed cum demum fama publica deferente ac clamosa
 insinuatione dicti regis necnon et ducum, comitum et baronum et aliorum
 5 nobilium, clericorum quoque et populi dicti regni Francorum, ad nostram
 propter hoc tam per se quam per procuratores et syndicos praesentiam
 venientium, ad nostram — quod dolenter referimus — audientiam per-
 venisset, quod magister, praeceptores et alii fratres dicti ordinis et ipse
 ordo praefatis et pluribus aliis erant criminibus irretiti, et praemissa per
 10 multas confessiones, attestaciones et depositiones praefati magistri, visi-
 tatoris Franciae ac plurium praeceptorum et fratrum ordinis praelibati
 coram multis praelatis et haereticae pravitatis inquisitore, auctoritate
 apostolica praecedente, in regno Franciae factas, habitas et receptas et in
 publicam scripturam redactas, nobisque et fratribus nostris ostensas,
 15 probari quodammodo viderentur; ac nihilominus fama et clamores prae-
 dicti in tantum invaluisse et etiam ostendissent tam contra ipsum ordi-
 nem quam contra personas singulares eiusdem, quod sine gravi scandalo
 praeteriti non poterat nec absque ir inenti fidei periculo tolerari, nos
 illius, cuius vices licet immeriti in terris gerimus, vestigiis inhaerentes,
 20 ad inquirendum de praedictis ratione praevia duximus procedendum
 multosque de praeceptoribus, presbyteris, militibus et aliis fratribus dicti
 ordinis reputationis non modicae in nostra praesentia constitutos — prae-
 stito ab eis nihilominus iuramento et eis cum affectione non modica per
 Patrem et Filium et Spiritum sanctum sub obtestatione divini iudicii ac
 25 interminatione maledictionis aeternae in virtute sanctae oboedientiae
 adiuratis, quod tunc in loco tuto et idoneo constituti, ubi nihil eos timere
 oportebat non obstantibus confessionibus per eos coram aliis factis, per
 quas eisdem confitentibus nullum fieri praeiudicium volebamus, super
 praemissis meram et plenam nobis dicerent veritatem —, super his inter-
 30 rogavimus et usque ad numerum septuaginta duorum examinavimus,
 multis ex fratribus nostris nobis assistantibus diligenter eorumque con-
 fessiones per publicas manus in authenticam scripturam redactas illico
 in nostra et dictorum fratrum nostrorum praesentia, ac deinde interposito
 aliquorum dierum spatio in consistorio legi fecimus coram ipsis et illas
 35 in suo vulgari cuilibet eorum exponi, qui perseverantes in illis eas expresse
 et sponte, prout recitatae fuerant, approbarunt. Post quae cum generali
 magistro, visitatore Franciae et praecipuis praeceptoribus praefati ordinis
 intendentes super praemissis inquirere per nos ipsos, ipsum generalem
 magistrum et visitatorem Franciae ac terrae ultramarinae, Normanniae,
 40 Aquitaniae ac Pictaviae praeceptores maiores, nobis Pictavis existentibus
 mandavimus praesentari. Sed cum quidam ex eis sic infirmabantur tunc
 temporis, quod aequitare non poterant nec ad nostram praesentiam com-
 mode adduci, nos scire volentes de praemissis omnibus veritatem et an
 vera essent quae continebantur in eorum confessionibus et depositioni-
 45 bus, quas coram inquisitore pravitatis haereticae in regno Franciae
 supradicto praesentibus quibusdam notariis publicis et multis aliis bonis
 viris dicebatur fecisse, nobis et fratribus nostris per ipsum inquisitorem

contrary to Christian morality, as the witness himself then confessed in our presence.

We were duty-bound by our office to pay heed to the din of such grave and repeated accusations. When at last there came a general hue and cry with the clamorous denunciations of the said king and of the dukes, counts, barons, other nobles, clergy and people of the kingdom of France, reaching us both directly and through agents and officials, we heard a doleful tale: that the master, preceptors and other brothers of the order as well as the order itself had been involved in these and other crimes. This seemed to be proved by many confessions, attestations and depositions of the master, of the visitor of France, and of many preceptors and brothers of the order, in the presence of many prelates and the inquisitor of heresy. These depositions were made in the kingdom of France with our authorisation, edited as public documents and shown to us and our brothers. Besides, the rumour and clamour had grown to such insistence that the hostility against both the order itself and the individual members of it could not be ignored without grave scandal nor be tolerated without imminent danger to the faith. Since we, though unworthy, represent Christ on earth, we considered that we ought, following in his footsteps, to hold an inquiry. We called to our presence many of the preceptors, priests, knights and other brothers of the order who were of no small reputation. They took an oath, they were adjured urgently by the Father, Son and holy Spirit; we demanded, in virtue of holy obedience, invoking the divine judgment with the menace of an eternal malediction, that they tell the pure and simple truth. We pointed out that they were now in a safe and suitable place where they had nothing to fear in spite of the confessions they had made before others. We wished those confessions to be without prejudice to them. In this way we made our interrogation and examined as many as seventy-two, many of our brothers being present and following the proceedings attentively. We had the confessions taken down by notary and recorded as authentic documents in our presence and that of our brothers. After some days we had these confessions read in consistory in the presence of the knights concerned. Each was read a version in his own language; they stood by their confessions, expressly and spontaneously approving them as they had been read out.

After this, intending to make a personal inquiry with the grand master, the visitor of France and the principal preceptors of the order, we commanded that the grand master, the visitor of France and the chief preceptors of Outremer, Normandy, Aquitaine and Poitou be presented to us while we were at Poitiers. Some of them, however, were ill at the time and could not ride a horse nor conveniently be brought to our presence. We wished to know the truth of the whole matter and whether their confessions and depositions, which were said to have been made in the presence of the inquisitor of heresy in the kingdom of France and witnessed by certain public notaries and many other good men, and which were produced in public and shown to us and our brothers by the

sub manibus publicis exhibitas et ostensas, dilectis filiis nostris Berengario* tunc tituli Nerei et Achillei nunc episcopo Tusculano et Stephano² tituli sancti Cyriaci in Thermis presbytero et Landulfo³ titulo sancti Angeli diacono cardinalibus, de quorum prudentia, experientia et fidelitate indubitata fiduciam obtinemus, commisimus et mandavimus, ut ipsi 5 cum praefatis magistro generali, visitatore ac praeceptoribus inquirerent tam contra ipsos et singulares personas ipsius ordinis generaliter quam contra ipsum ordinem super praemissis, cum diligentia veritatem et quidquid super his invenirent, nobis referre ac eorum confessiones et depositiones per manum publi¹ in scriptis redactas nostro apostolatu¹⁰ deferre ac praesentare curarent, eidem magistro ac visitatori et praeceptoribus beneficium absolutionis a sententia excommunicationis, quam pro praemissis si vera essent incurrerant, si absolutionem humiliter ac devote peterent ut debebant iuxta formam ecclesiae impensuri. Qui cardinales ad ipsos generalem magistrum, visitatorem et praeceptores personaliter accedentes, eis sui adventus causam exposuerunt. Et quoniam personae ipsorum et aliorum Templariorum in regno Franciae consistentium nobis traditae fuerant, quod libere absque metu cuiusquam plene ac pure super praemissis omnibus ipsis cardinalibus dicerent veritatem, eis auctoritate apostolica iniunxerunt. Qui magister, visitator et praeceptores terrae Normanniae, Ultramarinae, Aquitaniae et Pictaviae coram 20 ipsis tribus cardinalibus, praesentibus quatuor tabellionibus publicis et multis aliis bonis viris ad sancta Dei evangelia ab eis corporaliter tacta praestito iuramento, quod super praemissis omnibus meram et plenam dicerent veritatem, coram ipsis singulariter, libere ac sponte, absque coactione qualibet et terrore deposuerunt et confessi fuerunt inter cetera Christi abnegationem ac exspuionem super crucem, cum in ordine Templi recepti fuerunt, et quidam ex eis se sub eadem forma scilicet cum abnegatione Christi et exspuione super crucem fratres multos etiam recepisse. Sunt etiam quidam ex eis quaedam alia horribilia et inhonesta 30 confessi, quae subticemus ad praesens. Dixerunt praeterea et confessi fuerunt ea vera esse, quae in eorum confessionibus et depositionibus continentur, quas dudum fecerant coram inquisitore praefato. Quae confessiones et depositiones dictorum generalis magistri, visitatoris et praeceptorum in scripturam publicam per quatuor tabelliones publicos redactae, 35 in ipsorum magistri, visitatoris et praeceptorum et quorundam aliorum bonorum virorum praesentia ac deinde interposito aliquorum dierum spatio coram ipsis eisdem lectae fuerunt de mandato et in praesentia cardinalium praedictorum et in suo vulgari expositae cuilibet eorumdem. Qui perseverantes in illis, eas expresse et sponte, prout recitatae fuerant, 40 approbarunt. Et post confessiones et depositiones huiusmodi ab ipsis cardinalibus ab excommunicatione, quam pro praemissis incurrerant, absolutionem flexis genibus manibusque complexis humiliter et devote ac cum lacrimarum effusione non modica petierunt. Ipsi vero cardinales,

¹ Berengarius Fredoli, card. 1305-1323.

² Stephanos de Suisy, card. 1305-1311.

³ Landolphus Brancaccius, card. 1294-1312.

inquisitor, were true. We empowered and commanded our beloved sons Berengar¹, cardinal, then with the title of Nereus and Achilleus, now bishop of Frascati, and Stephen², cardinal priest with the title of saint Cyriacus at the Baths, and Landul³, cardinal deacon with the title of saint Angelo, in whose prudence, experience and loyalty we have the fullest confidence, to make a careful investigation with the grand master, visitor and preceptors, concerning the truth of the accusations against them and individual persons of the order and against the order itself. If there was evidence, it was to be brought to us; the confessions and depositions were to be taken down in writing by a public notary and presented to us. The cardinals were to grant absolution from the sentence of excommunication, according to the form of the church, to the master, visitor and preceptors — a sentence incurred if the accusations were true— provided the accused humbly and devoutly requested absolution, as they ought to do.

The cardinals went to see the grand master, the visitor and the preceptors personally and explained the reason for their visit. Since these men and other Templars resident in the kingdom of France had been handed over to us because they would freely and without fear of anyone reveal the truth sincerely to the cardinals, the cardinals by our apostolic authority enjoined on them this duty of telling the truth. The master, the visitor and the preceptors of Normandy, Outremer, Aquitaine and Poitou, in the presence of the three cardinals, four notaries and many other men of good repute, took an oath on the holy gospels that they would tell the truth, plainly and fully. They deposed one by one, in the cardinals' presence, freely and spontaneously, without any compulsion or fear. They confessed among other things that they had denied Christ and spat upon the cross at their reception into the order of the Temple. Some of them added that they themselves had received many brothers using the same rite, namely with the denial of Christ and the spitting on the cross. There were even some who confessed certain other horrible crimes and immoral deeds; we say nothing more of these at present. The knights confessed also that the content of their confessions and depositions made a little while ago before the inquisitor was true. These confessions and depositions of the grand master, visitor and preceptors were edited as a public document by four notaries, the master and the others being present and also certain men of good repute. After some days, the confessions were read to the accused on the orders and in the presence of the cardinals; each knight received an account in his own language. They persisted in their confessions and approved them, expressly and spontaneously, as they had been read out to them. After these confessions and depositions, they asked from the cardinals absolution from the excommunication incurred by the above crimes; humbly and devoutly, on bended knee, with hands joined, they made their petition with many tears. Since the church never shuts her heart to the

¹ Berengar Frédol, cardinal 1305-1323.

² Stephen de Suisy, cardinal 1305-1311.

³ Landulf Brancacci, cardinal 1294-1312.

quia ecclesia non claudit gremium redeunti, ab iisdem magistro, visitatore et praeceptoribus haeresi abiurata, expresse ipsis secundum formam ecclesiae auctoritate nostra absolutionis beneficium impenderunt ac deinde, ad nostram praesentiam redeuntes, confessiones et depositiones & praelibatorum magistri, visitoris et praeceptorum in scripturam publicam redactas per manus publicas, ut est dictum, nobis praesentarunt et quae cum dictis magistro, visitatore et praeceptoribus fecerant, retulerunt. Ex quibus confessionibus et depositionibus et relatione invenimus, saepe fatum magistrum, visitatorem Terrae Ultramarinae, Normanniae, Aquitaniae et Pictaviae praeceptores in praemissis et circa 10 praemissa, licet quosdam ex eis in pluribus et alios in paucioribus, graviter deliquisse. Attendentes autem, quod scelera tam horrenda transire incorrecta absque omnipotentis Dei et omnium catholicorum iniuria non poterant nec debebant, decrevimus de fratrum nostrorum consilio, per is ordinarios locorum ac per alios fideles ac sapientes viros ad hoc deputandos a nobis contra singulares personas ipsius ordinis necnon et contra dictum ordinem per certas discretas personas quas ad hoc duximus deputandas, super praemissis criminibus et excessibus inquirendum. Post haec tam per ordinarios quam per deputatos a nobis contra singulares per- 20 sonas dicti ordinis et per inquisitores, quos ad hoc duximus deputandos, contra ipsum ordinem per universas mundi partes, in quibus consueverint fratres dicti ordinis habitare, inquisitiones factae fuerunt et illae quae factae contra ordinem praelibatum fuerant, ad nostrum examen remissae, quaedam per nos et fratres nostros sanctae Romanae ecclesiae cardinales, 25 aliae vero per multos viros valde litteratos, prudentes, fideles, Deum timentes et fidei catholicae zelatores et exercitatos, tam praelatos quam alios, apud Malausanam Vacionensis dioeceseos¹ fuerunt valde diligenter lectae et examinatae solerter. Post quae dum venissemus Viennam et essent iam quamplures patriarchae, archiepiscopi, episcopi electi, abba- 30 tes exempti et non exempti et alii ecclesiarum praelati necnon et procuratores absentium praelatorum et capitulorum ibidem pro convocato a nobis concilio congregati, nos post primam sessionem, quam inibi cum dictis cardinalibus et cum praefatis praelatis et procuratoribus tenuimus, in quo causas convocationis concilii eisdem duximus exponendas, quia as erat difficile immo fere impossibile, praefatos cardinales et universos praelatos et procuratores in praesenti concilio congregatos ad tractandum de modo procedendi super et in facto seu negotio fratrum ordinis praedictorum in nostra praesentia convenire, de mandato nostro ab universis praelatis et procuratoribus in hoc concilio existentibus certi 40 patriarchae, archiepiscopi, episcopi, abbates exempti et non exempti et alii ecclesiarum praelati et procuratores de universis christianitatis partibus quarumcumque linguarum, nationum et regionum, qui de peritioribus, discretioribus et idoneioribus ad consulendum in tali et tanto negotio et ad tractandum una nobiscum et cum cardinalibus antedictis 45 tam solemne factum sive negotium credebantur, electi concorditer et

¹ Malaucène, dioec. Vaison.

sinner who returns, the cardinals granted absolution by our authority in the customary form of the church to the master, visitor and preceptors on abjuration of their heresy. On their return to our presence, the cardinals presented to us the confessions and depositions of the master, visitor and preceptors in the form of a public document, as has been said. They also gave us a report on their dealings with these knights.

From these confessions, depositions and report we find that the master, the visitor and the preceptors of Outremer, Normandy, Aquitaine and Poitou have often committed grave offences, although some have erred less frequently than others. We considered that such dreadful crimes could not and should not go unpunished without insult to almighty God and to every Catholic. We decided on the advice of our brothers to hold an enquiry into the above crimes and transgressions. This would be carried out through the local ordinaries and other wise, trustworthy men delegated by us in the case of individual members of the order; and through certain prudent persons of our considered choice in the case of the order as a whole. After this, investigations were made both by the ordinaries and by our delegates into the allegations against individual members, and by the inquisitors appointed by us into those against the order itself, in every' part of the world where the brothers of the order have usually lived. Once made and sent to us for examination, these investigations were very carefully' read and examined, some by us and our brothers, cardinals of the holy' Roman church, others by many very learned, prudent, trustworthy and God-fearing men, zealous for and well-trained in the catholic faith, some being prelates and others not. This took place at Malaucène in the diocese of Vaison¹.

Later we came to Vienne where there were assembled already very many patriarchs, archbishops, selected bishops, exempt and non-exempt abbots, other prelates of churches, and procurators of absent prelates and of chapters, all present for the council we had summoned. In the first session we explained to them our reasons for calling the council. After this, because it was difficult, indeed almost impossible, for the cardinals and all the prelates and procurators gathered for the council to meet in our presence in order to discuss how to proceed in the matter of the Templars, we gave orders as follows. Certain patriarchs, archbishops, bishops, exempt and non-exempt abbots, other prelates of churches, and procurators from all parts of Christendom, of every' language, nation and region, were concordantly chosen out of all the prelates and procurators at the council. The choice was made from those believed to be among the more skilful, discreet and apt for consultation on such an important affair and

¹ Malaucène, diocese of Vaison.

assumpti fuerunt. Post quae praefatas attestaciones super inquisitionem ordinis praelibati receptas coram ipsis praelatis et procuratoribus, per plures dies et quantum ipsi voluerunt audire, publice legi fecimus in loco ad tenendum concilium deputato videlicet in ecclesia cathedrali, et subsequenter per multos venerabiles fratres nostros, patriarcham Aquileiensem¹, archiepiscopos et episcopos in praesenti sacro concilio existentes, electos et deputatos ad hoc, per electos a toto concilio cum magna diligentia et sollicitudine, non perfunctorie sed moratoria tractatione dictae attestaciones ac rubricae super his factae, visae, perlectae et examinatae fuerunt. Praefatis itaque cardinalibus, patriarchis, archiepiscopis et episcopis, abbatibus exemptis et non exemptis et aliis praelatis et procuratoribus, ab aliis, ut praemittitur, electis propter praemissum negotium, in nostra praesentia constitutis, facta per nos propositione et consultatione secreta, qualiter esset in eodem negotio procedendum, praesertim cum quidam Templarii ad defensionem eiusdem ordinis se offerrent, maiori parti cardinalium et toti fere concilio, illis videlicet qui a toto concilio ut praemittitur sunt electi et quoad hoc vices totius concilii repraesentant vel parti multo maiori, quinimo quatuor vel quinque partibus eorundem cuiuscumque nationis in concilio existentium indubitatum videbatur, et ita dicti praelati et procuratores sua consilia dederunt, quod ipsi ordini defensio dari deberet et quod ipse ordo de haeresibus, de quibus inquisitum est contra ipsum, per ea quae hactenus sunt probata, absque offensa Dei et iuris iniuria condemnari nequeat; aliis quibusdam e contra dicentibus, dictos fratres non esse ad defensionem dicti ordinis admittendos nec nos dare debere defensionem eidem, si enim, ut dicebant praemissi, eiusdem ordinis defensio admittatur vel detur, ex hoc ipsius negotii periculum et non modicum Terrae sanctae subsidii detrimentum sequeretur et altercatio et retardatio ac decisionis ipsius negotii dilatio, ad haec multas rationes et varias allegantes. Verum licet ex processibus habitis contra ordinem memoratum ipse ut haereticus per diffinitivam sententiam canonice condemnari non possit; quia tamen idem ordo de illis haeresibus, quae imponuntur eidem, est plurimum diffamatus, et quia quasi infinitae personae illius ordinis, inter quas sunt generalis magister, visitator Franciae et maiores praeceptores ipsius, per eorum confessiones spontaneas de praedictis haeresibus, erroribus et sceleribus sunt convictae, quia etiam ipsae confessiones dictum ordinem reddunt valde suspectum, et quia infamia et suspicio praelibatae dictum ordinem reddunt ecclesiae sanctae Dei et praelatis eiusdem ac regibus aliisque principibus et caeteris catholicis nimis abominabilem et exosum, quia etiam verisimile creditur, quod amodo bona non reperiretur persona, quae dictum ordinem vellet intrare, propter quae ipse ordo ecclesiae Dei ac prosecutioni negotii Terrae sanctae, ad cuius servitium fuerant deputati, inutilis redderetur, quoniam insuper ex dilatione decisionis seu ordinationis dicti negotii, ad quam faciendam vel sententiam promulgandam terminus peremptorius fuerat in praesenti concilio praefatis ordini et fratribus assignatus a nobis,

¹ Ottobonus Razzi (1302-1315).

for discussing it with us and the above-mentioned cardinals. After this we had the attestations received during the inquiry read publicly in the presence of the prelates and procurators. This reading went on during several days, for as long as they wished to listen, in the place assigned for the council, namely the cathedral church. Afterwards the said attestations and the summaries made from them were considered and examined, not in a perfunctory manner but with great care, by many of our venerable brethren, by the patriarch of Aquilcia¹, by archbishops and bishops of the present sacred council who were specially chosen and delegated for the purpose, and by those whom the whole council had chosen very carefully and earnestly.

We convoked therefore the said cardinals, patriarchs, archbishops and bishops, the exempt and non-exempt abbots, and the other prelates and procurators elected by the council to consider this affair, and we asked them, in the course of a secret consultation in our presence, how we should proceed, taking special account of the fact that certain Templars were presenting themselves in defence of their order. The greater part of the cardinals and nearly the whole council, that is those who were elected by the whole council and were representing the whole council on this question, in short the great majority, indeed four-fifths among every nation taking part, were firmly convinced, and the said prelates and procurators advised accordingly, that the order should be given an opportunity to defend itself and that it could not be condemned, on the basis of the proof provided thus far, for the heresies that had been the subject of the inquiry, without offence to God and injustice. Certain others on the contrary said that the brothers should not be allowed to make a defence of their order and that we should not give permission for such a defence, for if a defence were allowed or given there would be danger to a settlement of the affair and no small prejudice to the interests of the holy Land. There would be dispute, delay and putting off a decision; many different reasons were mentioned. Indeed, although legal process against the order up to now does not permit its canonical condemnation as heretical by definitive sentence, the good name of the order has been largely taken away by the heresies attributed to it. Moreover, an almost indefinite number of individual members, among whom are the grand master, the visitor of France and the chief preceptors, have been convicted of such heresies, errors and crimes through their spontaneous confessions. These confessions render the order very suspect, and the infamy and suspicion render it detestable to the holy church of God, to her prelates, to kings and other rulers, and to Catholics in general. It is also believed in all probability that from now on there will be found no good person who wishes to enter the order, and so it will be made useless to the church of God and the carrying on of the undertaking to the holy Land, for which service the knights had been destined. Furthermore, the putting off of a settlement or arrangement of this affair of the Templars, for which we had set ourselves a final decision or sentence to be promulgated in the

¹ Ouobuono Razzi (1302-1315).

bonorum Templi quae dudum ad subsidium Terrae sanctae et impugna-
 tionem inimicorum fidei Christianae a Christi fidelibus data, legata et
 concessa fuerunt, totalis amissio, destructio et dilapidatio, ut probabiliter
 creditur, sequeretur; inter eos qui dicunt, ex nunc contra dictum ordinem
 s pro dictis criminibus condemnationis sententiam promulgandam, et alios
 qui dicunt, ex processibus praehabitis contra dictum ordinem condemna-
 tionis sententiam iure ferri non posse, longa et matura deliberatione prae-
 habita, solum Deum habentes prae oculis et ad utilitatem negotii Terrae
 sanctae respectum habentes, non declinantes ad dexteram vel sinistram,
 io viam provisionis et ordinationis duximus eligendam, per quam tollentur
 scandala, vitabuntur pericula et bona conservabuntur subsidio Terrae
 sanctae. Considerantes itaque infamiam, suspicionem, clamorosa insi-
 nuationem et alia supradicta, quae contra ordinem faciunt supradictum,
 necnon et occultam et clandestinam receptionem fratrum ipsius ordinis
 is differentiamque multorum fratrum eiusdem a communi conversatione,
 vita et moribus aliorum Christi fidelium, in eo maxime quod recipientes
 aliquos in fratres sui ordinis, receptos in ipsa receptione professionem
 emittere faciebant et iurare, modum receptionis nemini revelare nec
 religionem illam exire, ex quibus contra eos praesumitur evidenter,
 20 attendentes insuper grave scandalum ex praedictis contra ordinem prae-
 libatum subortum fuisse, quod non videretur posse sedari eodem ordine
 remanente necnon et fidei et animarum pericula et quamplurimorum
 fratrum dicti ordinis horribilia multa facta et multas alias rationes iustas
 et causas, quae nostrum ad infrascripta movere animum rationabiliter
 25 et debite potuerunt, quia et maiori parti dictorum cardinalium et prae-
 dictorum a toto concilio electorum, plus quam quatuor vel quinque
 partibus eorumdem, visum est decentius et expedientius et utilius pro Dei
 honore et pro conservatione fidei christianae ac subsidio Terrae sanctae
 multisque aliis rationibus validis sequendam fore potius viam ordinationis
 30 et provisionis sedis apostolicae, ordinem saepe fatum tollendo et bona ad
 usum, ad quem deputata fuerant, applicando, de personis etiam ipsius
 ordinis, quae vivunt, salubriter providendo, quam defensionis iuris ob-
 servationes et negotii prorogationes, animadvertentes quoque, quod alias
 etiam sine culpa fratrum ecclesia Romana fecit interdum alios ordines
 35 solemnes ex causis incomparabiliter minoribus, quam sint praemissae,
 cessare, non sine cordis amaritudine et dolore, non per modum diffinitivae
 sententiae sed per modum provisionis seu ordinationis apostolicae prae-
 fatum Templi ordinem et eius statum, habitum atque nomen irrefragabi-
 bili et perpetuo valitura tollimus sanctione ac perpetuae prohibitioni
 40 subicimus, sacro concilio approbante, districtius inhibentes, ne quis
 dictum ordinem de cetero intrare vel eius habitum suscipere vel portare
 aut pro Templario gerere se praesumat. Quod si quis contra fecerit,
 excommunicationis incurrat sententiam ipso facto. Porro nos personas
 et bona eadem nostrae ac apostolicae sedis ordinationi et dispositioni,
 45 quam gratia divina favente ad Dei honorem et exaltationem fidei christia-
 nae ac statum prosperum Terrae sanctae facere intendimus, antequam
 praesens sacrum terminetur concilium, reservamus, inhibentes districtius,

present council, would lead in all probability to the total loss, destruction and dilapidation of the Templars' property. This has for long been given, bequeathed and granted by the faithful for the aid of the holy Land and to oppose the enemies of the Christian faith.

There were therefore two opinions: some said that sentence should immediately be pronounced, condemning the order for the alleged crimes, and others objected that from the proceedings taken up to now the sentence of condemnation against the order could not justly be passed. After long and mature deliberation, having in mind God alone and the good of the holy Land, without turning aside to right or to left, we elected to proceed by way of provision and ordinance; in this way scandal will be removed, perils avoided and property saved for the help of the holy Land. We have taken into account the disgrace, suspicion, vociferous reports and other attacks mentioned above against the order, also the secret reception into the order, and the divergence of many of the brothers from the general behaviour, way of life and morals of other Christians. We have noted here especially that when new members are received, they are made to swear not to reveal the manner of their reception to anyone and not to leave the order; this creates an unfavourable presumption. We observe in addition that the above have given rise to grave scandal against the order, scandal impossible to allay as long as the order continues to exist. We note also the danger to faith and to souls, the many horrible misdeeds of so many brothers of the order, and many other just reasons and causes, moving us to the following decision.

The majority of the cardinals and of those elected by the council, a proportion of more than four-fifths, have thought it better, more expedient and advantageous for God's honour and for the preservation of the Christian faith, also for the aid of the holy Land and many other valid reasons, to suppress the order by way of ordinance and provision of the apostolic see, assigning the property to the use for which it was intended. Provision is also to be made for the members of the order who are still alive. This way has been found preferable to that of safeguarding the right of defence with the consequent postponement of judgment on the order. We observe also that in other cases the Roman church has suppressed other important orders for reasons of far less gravity than those mentioned above, with no fault on the part of the brethren. Therefore, with a sad heart, not by definitive sentence, but by apostolic provision or ordinance, we suppress, with the approval of the sacred council, the order of Templars, and its rule, habit and name, by an inviolable and perpetual decree, and we entirely forbid that anyone from now on enter the order, or receive or wear its habit, or presume to behave as a Templar. If anyone acts otherwise, he incurs automatic excommunication. Furthermore, we reserve the persons and property for our disposition and that of the apostolic see. We intend with divine grace, before the end of the present sacred council, to make this disposition to the honour of God, the exaltation of the Christian faith and the welfare of the holy Land. We strictly

ne quis, cuiuscumque conditionis vel status exsistat, se de personis vel bonis huiusmodi aliquatenus intromittat vel circa ea in ordinationis sive dispositionis nostrae per nos, ut praemittitur, faciendae praeiudicium aliquod faciat, innovet vel attentet, decernentes exnunc irritum et inane, si secus a quoquam scienter vel ignoranter contigerit attentari. Per hoc s tamen processibus factis vel faciendis circa singulares personas ipsorum Templariorum per dioecesanos episcopos et provincialia concilia, prout per nos alias exstitit ordinatum, nolumus derogari. Nulli ergo... Si quis...

Datum Viennae XI calendas aprilis, pontificatus nostri anno septimo.¹

[2]. Ad perpetuam rei memoriam². Ad providam Christi vicarii praesidentis in specula apostolicae dignitatis circumspectionem pertinet, vices pensare temporum, emergentium negotiorum causas discutere ac personarum attendere qualitates, ut ad singula debitum dirigens necessariae considerationis intuitum et opportuna manu operationis apponens. de agro Domini sic vitiorum tribulos eruat ut virtutes amplificet, sic praevaricandum spinas tollat ut evellendo plus plantet quam destruat³, et in loca vacua per eradicationem nocentium tribulorum devota Deo plantaria transferendo, potiolem praebeat de provisa et utili eorundem locorum unione et translatione laetitiam quam vera iustitia, quae compassionem habet doloris, intulerit detrimentum personarum locorum huiusmodi per ruinam; sic 20 enim sufferendo quod officit et subrogando quod proficit, virtutum profectus amplificat et sublata de medio meliori sub rogatione restaurat. Dumdum siquidem ordinem domus Militiae Templi Ierosolimitani propter magistrum et fratres ceterasque personas dicti ordinis in quibuslibet mundi partibus consistentes variis et diversis non tam nefandis quam infandis, 25 pro dolor, errorum et scelerum obscenitatibus, pravitatibus, maculis et labe respersos, quae propter tristem et spurcidam eorum memoriam praesentibus subticemus eiusque ordinis statum, habitum atque nomen non sine cordis amaritudine et dolore, sacro approbante concilio, non per modum diffinitivae sententiae, cum eam super hoc secundum inquisitiones et processus super hiis habitos non possemus ferre de iure, sed 30 per viam provisionis seu ordinationis apostolicae, irrefragabili et perpetuo valitura substulimus sanctione, ipsum prohibitioni perpetuae supponentes districtius inhibendo, ne quis dictum ordinem de cetero intrare vel eius habitum suscipere vel portare aut pro Templario gerere se praesumeret. 35 Quod si quis contrafaceret, excommunicationis incurreret sententiam ipso facto. Universa etiam bona ordinis praelibati apostolicae sedis ordinationi et dispositioni auctoritate apostolica duximus reservanda, inhibentes

¹ Die 22 mart. 1312; cf. inter alios, de hac bulla et sqq., K. Schottmiiller, *Der Untergang det Templer-Ordens*, I-II Berlin 1887; J. Gmelin, *Schuld oder Unschuld des Templerordens*, Stuttgart 1893; H. Finke, *Paps!tum und Untergang des Templerordens*, I-II Münster i. W. 1907; G. Lizerand, *Clément V et Philippe IV le Bel*, Paris 1910, 76-160, 250-340; *De dossier de l'affaire des Templiers*, ed. G. Lizerand, Paris 1923; Müller 32-33, 92-99, 122-145, 190-235 (de hac bulla praesertim 42, 197sq., 211 sqq.).

² E Reg. 7885; epistolae etiam exsecutoriae exstant perplures, Reg. 7886 (et cf. Reg. VII, pp. 69-71), quarum textum (= E) in apparatu damus.

³ Cf. Ir 1,10; 24, 6; 31, 40; 42,10.

forbid anyone, of whatever state or condition, to interfere in any way in this matter of the persons and property of the Templars. We forbid any action concerning them which would prejudice our arrangements and dispositions, or any innovation or tampering. We decree that from now on any attempt of this kind is null and void, whether it be made knowingly or in ignorance. Through this decree, however, we do not wish to derogate from any processes made or to be made concerning individual Templars by diocesan bishops and provincial councils, in conformity with what we have ordained at other times. Let nobody therefore ... If anyone ...

Given at Vienne on 22 March in the seventh year of our pontificate.¹

[2] For an everlasting record². It belongs to Christ's vicar, exercising his vigilant care from the apostolic watch-tower, to judge the changing conditions of the times, to examine the causes of the affairs which crop up and to observe the characters of the people concerned. In this way he can give due consideration to each affair and act opportunely; he can tear out the thistles of vice from the field of the Lord so that virtue may increase; and he can remove the thorns of false dealing so as to plant rather than to destroy³. He transfers slips dedicated to God into the places left empty by the eradication of the harmful thistles. By thus transferring and uniting in a provident and profitable way, he brings a joy greater than the harm he has caused to the people uprooted; true justice has compassion for sorrow. By enduring the harm and replacing it profitably, he increases the growth of the virtues and rebuilds what has been destroyed with something better.

A little while ago we suppressed definitively and perpetually the order of the Knights Templar of Jerusalem because of the abominable, even unspeakable, deeds of its master, brothers and other persons of the order in all parts of the world. These men were spattered with indecent errors and crimes, with depravity; they were blemished and stained. We are silent here as to detail because the memory is so sad and unclean. With the approval of the sacred council we abolished the constitution of the order, its habit and name, not without bitterness of heart. We did this not by definitive sentence, since this would be unlawful according to the inquiries and processes carried out, but by apostolic provision or ordinance. We issued a strict prohibition that nobody might henceforth enter the order or wear its habit or presume to behave as a Templar. Anyone doing otherwise incurred automatic excommunication. We commanded, by our apostolic authority, that all the property of the order be left to the judgment and disposition of the apostolic see. We strictly forbade anyone, of

¹ 22 March 1312. For this and the following bulls, see among other works, K. Schottmüller, *Der Untergang des Templer-Ordens*, I-II Berlin 1887; J. Gmelin, *Schuld oder Unschuld des Templerordens*, Stuttgart 1893; H. Finke, *Papsttum und Untergang des Templerordens*, I-II Munster in Westphalia 1907; G. Lizerand, *Clément V et Philippe IV le Bel*, Paris 1910, 76-160, 250-340; *Le dossier de l'affaire des Templiers*, ed. G. Lizerand, Paris 1923; Müller 32-33, 92-99, 122-145, 190-235 (on this bull especially 42, 197 ff., 211 ff.); M. Barber, *The Trial of the Templars*, Cambridge 1978, 221-242.

² From *Regestum* 7885. Many executorial letters survive, *Regestum* 7886 (and see *Regestum* VII, pp. 69-71); the text of these we give in the critical apparatus (= £).

³ Seejer 1, 10; 24, 6; 31, 40; 42, 10.

districtius ne quis, cuiuscumque conditionis vel status exsisteret, se de personis vel bonis huiusmodi aliquatenus intromitteret vel circa ea in praeiudicium ordinis seu dispositionis apostolicae per sedem eandem, ut praemittitur faciendae, aliquid faceret, innovaret vel etiam attentaret, 5 decernentes ex tunc irritum et inane, si secus a quoquam scienter vel ignoranter contingeret attentari; ac postmodum ne dicta bona quae dudum ad subsidium Terrae sanctae et impugnationem inimicorum fidei Christianae a Christi cultoribus data, legata, concessa et acquisita fuerunt, debita gubernatione carentia tamquam vacantia deperirent vel converterentur in usus alios quam in illos ad quos fuerant pia devotione fidelium 10 deputata, vel propter tarditatem ordinationis et dispositionis huiusmodi eorum destructio vel dilapidatio sequeretur, cum fratribus nostris sanctae Romanae ecclesiae cardinalibus necnon patriarchis, archiepiscopis, episcopis et praelatis ac etiam cum nonnullis excellentibus et illustribus personis, is cum reliquorum quoque absentium praelatorum et etiam capitulorum et conventuum, ecclesiarum et monasteriorum procuratoribus in dicto concilio constitutis, habuimus ardua, morosa et diversa consilia et tractatus, ut per huiusmodi consiliorum et tractatum deliberationem praehabitam diligentem dictorum bonorum ordinatio et dispositio ad honorem Dei, augmentum fidei, exaltationem ecclesiae, dictae Terrae subsidium, salutem quoque fidelium et quietem, salubris et utilis proveniret; 20 postque utique longa, praemeditata, provisa et matura consilia, suadentibus plurimis iustis causis, nostra et dictorum patrum necnon patriarcharum, archiepiscoporum, episcoporum et aliorum praelatorum ac excellentium et illustrium personarum praedictorum in dicto concilio tunc praesentium, deliberationes et consilia in hoc finaliter resederunt, ut praedicta bona ordini Hospitalis sancti Iohannis Ierosolimitani et ipsi Hospitali ac dilectis filiis magistro et fratribus Hospitalis eiusdem, nomine Hospitalis et ordinis eorundem, qui tamquam athletae Domini pro 25 defensione fidei se periculis mortis iugiter exponentes, onerosa nimis et periculosa dispendia continue perferunt in partibus transmarinis, in perpetuum unirentur. Nos igitur inter cetera mundi loca, in quibus vigere dinoscitur observantia regularis, dictum ordinem Hospitalis et ipsum Hospitale sinceræ caritatis plenitudine prosequentes ac attendentes, quod 35 sicut evidentia facti docet in eo divinis obsequiis ferventer insistitur, pietatis et misericordiae opera vigilantibus studiis exercentur, fratres Hospitalis ipsius mundanis spretis illecebris devotum impendentes Altissimo famulatum ac pro recuperatione Terrae praedictae tamquam intrepidi Christi pugiles ferventibus studiis et desideriis intendentes, quaelibet «0 ducunt humana pericula in contemptum; considerantes quoque quod ex hoc tanto eorundem magistri et fratrum dictorum ordinis et Hospitalis crescet strenuitas, animorum fervor augebitur et ipsorum roborabitur fortitudo ad propulsandas nostri Redemptoris iniurias et hostes eiusdem fidei conterendos, quanto ipsorum potentia in opulentioribus facultatibus 45 augmentata, onera quae prosecutionis tanti negotii necessitas exigit, levius et facilius poterunt supportare et propterea non indigne vigiles reddituri studiisque sollicitis excitati, ut ad sui status augmentum opem et

whatever state or condition, to interfere in any way regarding the persons or property of the order or to act in prejudice of the direction or disposition of the apostolic see in this matter, or to alter or even to tamper; we decreed all attempts of this kind to be henceforth null and void, whether made knowingly or in ignorance.

Afterwards we took care lest the said property, which over a long period had been given, bequeathed, granted and acquired from the worshippers of Christ for the help of the holy Land and to assail the enemies of the Christian faith, should be left without management and perish as belonging to nobody or be used in ways other than those intended by the pious devotion of the faithful. There was the further danger that tardiness in our arrangements and dispositions might lead to destruction or dilapidation. We therefore held difficult, lengthy and varied consultations and discussions with our brothers, the cardinals of the holy Roman church, with patriarchs, archbishops, bishops and prelates, with certain outstanding and distinguished persons, and with the procurators at the council of the chapters, convents, churches and monasteries, and of the remaining absent prelates, in order that, through this painstaking deliberation, a wholesome and beneficial disposal of the said property might be made to the honour of God, the increase of the faith, the exaltation of the church, the help of the holy Land, and the salvation and peace of the faithful. After especially long, carefully thought out, deliberate and complete consultations, for many just reasons, we and the said fathers and patriarchs, archbishops, bishops, other prelates, and the outstanding and distinguished persons, then present at the council, finally came to a conclusion. The property should become forever that of the order of the Hospital of saint John of Jerusalem, of the Hospital itself and of our beloved sons the master and brothers of the Hospital, in the name of the Hospital and order of these same men, who as athletes of the Lord expose themselves to the danger of death for the defence of the faith, bearing heavy and perilous losses in lands overseas.

We have observed with the fullness of sincere charity that this order of the Hospital and the Hospital itself is one of the bodies in which religious observance flourishes. Factual evidence tells us that divine worship is fervent, works of piety and mercy are practised with great earnestness, the brothers of the Hospital despise the attractions of the world and are devoted servants of the most High. As fearless warriors of Christ they are ardent in their efforts to recover the holy Land, despising all human perils. We bear in mind also that the more plentifully they are supplied with means, the more will the energy of the master and brothers of the order and Hospital grow, their ardour increase and their bravery be strengthened to repel the insults offered to our Redeemer and to crush the enemies of the faith. They will be able to carry more lightly and easily the burdens demanded in the execution of such an enterprise. They will therefore, not unworthily, be made more watchful and apply themselves with greater zeal.

operam impendamus, eodem sacro approbante concilio, ipsam domum Militiae Templi ceterasque domos, ecclesias, capellas, oratoria, civitates, castra, villas, terras, grangias et loca, possessiones, jurisdictiones, redditus atque iura omniaque alia bona immobilia et mobilia vel se moventia, cum omnibus membris, iuribus et pertinendis suis, ultra et citra mare s ac in universis et quibuslibet mundi partibus consistentia, quae ipse ordo et dicti magister et fratres ipsius ordinis Militiae Templi, tempore quo ipse magister et nonnulli ex eisdem fratribus Militiae Templi in regno Franciae communiter capd fuerunt videlicet anno Domini millesimo trecentesimo octavo mense octobris, per se vel per quoscumque alios io habebant, tenebant et possidebant vel ad eosdem domum et ordinem Militiae Templi, et dictos magistrum et fratres ipsius ordinis Militiae Templi quomodolibet pertinebant necnon nomina, actiones et iura, quae praedicto tempore capdonis ipsorum eisdem domui, ordini vel personis ipsius ordinis Militiae Templi quocumque modo competebant vel com- is petere poterant contra quoscumque, cuiuscumque dignitatis, status vel conditionis exsisterent, cum omnibus privilegiis, indulgentiis, immunitatibus et libertatibus, quibus praefati magister et fratres dictorum domus et ordinis Militiae Templi et ipsa domus et ordo per sedem apostolicam vel per catholicos imperatores, reges et principes et fideles alios vel quo- 20 cumque alio modo erant legitime communiti, eidem ordini Hospitalis sancti Ioannis Ierosolimitani et ipsi Hospitali donamus, concedimus, unimus, incorporamus, applicamus et annectimus in perpetuum de apostolica plenitudine potestatis, exceptis bonis quondam dicti ordinis ipsius Militiae Templi consistentibus in regnis et terris carissimorum 25 in Christo filiorum nostrorum Castellae, Aragoniae, Portugaliae et Maioricarum regum illustrium extra regnum Franciae, quae a donatione, concessione, unione, applicatione, incorporatione et annexione praedictis specialiter excipienda duximus et etiam excludenda, ex nihilominus dispositioni et ordinationi sedis apostolicae reservantes, inhibitionem 30 dudum per alios processus nostros factam, ne quis videlicet, cuiuscumque conditionis vel status exsisteret, se de personis et bonis huiusmodi aliquatenus intromitteret vel circa ea in praeiudicium ordinationis seu dispositionis sedis eiusdem faciendae de illis necnon decreti nostri interpositionem, quoad personas et bona, in dictis regnis et terris eorumdem 35 regum proxime expressorum consistentia, omnino manere volentes in pleno robore firmitatis, quousque de bonis et rebus praedictis in eisdem regnis et terris consistentibus, per dispositionem sedis eiusdem fuerit aliter ordinatum, occupatores quoque dictorum bonorum aut illicitos detentores, cuiuscumque status, conditionis, excellentiae vel dignitatis « exstiterint, etiam si pontificali, imperiali vel regali praefulgeant dignitate, nisi infra unius mensis spatium, postquam super hoc per dictos magistrum et fratres ipsius Hospitalis vel ipsorum quemlibet aut procuratorem seu procuratores eorum fuerint requisiti, dicta bona dimiserint iliaque plene et libere restituerint ordini ipsius Hospitalis et eidem Hospitali aut « magistro seu prioribus vel praeceptoribus aut fratribus Hospitalis eiusdem, in quibuscumque partibus et provinciis constitutis eorumque singu-

In order that we may grant them increased support, we bestow on them, with the approval of the sacred council, the house itself of the Knights Templar and the other houses, churches, chapels, oratories, cities, castles, towns, lands, granges, places, possessions, jurisdictions, revenues, rights, all the other property, whether immovable, movable or self-moving, and all the members together with their rights and belongings, both beyond and on this side of the sea, in each and every part of the world, at the time when the master himself and some brothers of the order were arrested as a body in the kingdom of France, namely in October 1308. The gift is to include everything which the Templars had, held or possessed of themselves or through others, or which belonged to the said house and order of Knights Templar, or to the master and brothers of the order, as also the titles, actions and rights which at the time of their arrest belonged in any way to the house, order or persons of the order of Knights Templar, or could belong to them, against whomsoever of whatever dignity, state or condition, with all the privileges, induits, immunities and liberties with which the said master and brothers of the house and order of Knights Templar, and the house and order itself, had been legitimately endowed by the apostolic see or by catholic emperors, kings and princes, or by other members of the faithful, or in any other way. All this we present, grant, unite, incorporate, apply and annex in perpetuity, by the fullness of our apostolic power, to the said order of the Hospital of saint John of Jerusalem and to the Hospital itself.

We except the property of the said former order of Knights Templar in the kingdoms and lands of our beloved sons in Christ, the illustrious kings of Castile, Aragon, Portugal and Majorca, outside the kingdom of France. We reserve this property, from the said gift, grant, union, application, incorporation and annexation, to the disposal and regulation of the apostolic see. We wish the prohibition made a little while ago by other proceedings of ours to remain in full force. Nobody of any state or condition may intervene in any way as regards these persons and property in prejudice to the regulation or disposition of the apostolic see. We wish that our decree concerning these persons and property in the kingdoms and lands of the above kings should remain in full force until the apostolic see makes another arrangement.

Occupiers and unlawful detainers of the property, irrespective of state, condition, eminence or dignity, even if this is pontifical, imperial or royal, unless they abandon the property within a month after it is called for by the master and brothers of the Hospital, or by any of them, or by their procurators [...]. The property must be fully and freely restored to the order of Hospitallers and to the said Hospital, or to the master, priors, preceptors or brothers of the said Hospital, in any regions or provinces, or to any of them individually, or to their

lis vel procuratori seu procuratoribus eorumdem, eiusdem ordinis ipsius Hospitalis nomine, etiamsi dicti priores, praeceptores et fratres ipsius Hospitalis et procuratores ipsorum et eorum quilibet a dicto magistro ipsius Hospitalis mandatum super hoc specialiter non haberent, dum-
s modo procuratores praedicti a dictis prioribus et praeceptoribus vel eorum singulis in provinciis et partibus, in quibus huiusmodi priores et praeceptores exstiterint deputati, mandatum super hoc habuerint vel ostenderint speciale. Qui omnes et singuli, videlicet priores et praeceptores et fratres dicto magistro, procuratores vero praedicti eisdem priori-
lo bus et praeceptoribus eorumque singulis, a quibus super hiis fuerint deputati, plenum super omnibus, gestis, actis, receptis et procuratis per eos quomodolibet in hac parte computum et rationem ponere et reddere teneantur, necnon omnes qui scienter occupatoribus et detentoribus praelibatis in occupatione vel detentione huiusmodi dederint consilium,
is auxilium vel favorem, publice vel occulte, excommunicationis, capitula vero collegia seu conventus ecclesiarum et monasteriorum necnon universitates civitatum, castrorum, villarum et aliorum locorum et ipsas civitates, castra, villas et loca, quae in hiis culpabilia exstiterint, ac etiam civitates, castra et loca, in quibus detentores et occupatores huiusmodi
20 dominium obtinuerint temporale, si huiusmodi domini temporales in dimittendo bona praedicta et restituendo illa magistro et fratribus ordinis et Hospitalis eiusdem, nomine Hospitalis ipsius, obstaculum adhibebunt et infra dictum mensem ab huiusmodi praemissis non destiterint, postquam super hoc, ut praemittitur, fuerint requisiti, ipso facto interdicti
25 sentiis decernimus subiacere, a quibus absolvi non possint, donec super hiis plenam et debitam satisfactionem curaverint exhibere et nihilo minus occupatores et detentores huiusmodi vel praestantes eisdem, ut praemittitur, auxilium, consilium vel favorem sive singulares personae sive capitula, collegia seu conventus ecclesiarum et monasteriorum ac
m universitates civitatum, castrorum, terrarum vel aliorum locorum exstiterint, praeter poenas praescriptas, omnibus quae a Romana vel aliis ecclesiis quibuscumque tenent in feudum, ipso facto decernimus fore privatos sive privata, ita quod ad ecclesias, ad quas spectant, illa libere sine contradictione aliqua revertantur earumque ecclesiarum praelati sive
35 rectores de ipsis pro sua voluntate disponant, sicut utilitati ecclesiarum ipsarum viderint expedire. Nulli ergo ... Si quis ...

Dat. Viennae, VI nonas maii, pontificatus nostri anno septimo l.

Conf. in E: Quocirca discretioni vestrae per apostolica scripta mandamus, quatenus vos vel duo aut unus vestrum, per vos vel per alium seu alios, praefatos magistrum seu priores
40 vel praeceptores aut fratres Hospitalis eiusdem vel ipsorum quemlibet aut procuratorem seu procuratores eorum, nomine Hospitalis ipsius, in corporalem possessionem dictorum domus Militiae Templi ceterarumque domorum, ecclesiarum, capellarum, oratoriorum, civitatum, castrorum, villarum, terrarum, grangiarum et locorum, possessionum, jurisdictionum, reddituum atque iurium omnium aliorum bonorum mobilium et immobilium vel se mo-

l Die 2 maii 1312; cf. Müller 42-43, 225, 227, 417, 651 ; cf. etiam *Reg.* 8346, 8862, 8975, 9383, 10166, 10243.

procurator or procurators, in the name of the said order of Hospitallers, even if the priors, preceptors and brothers and their procurators or any one of them have no special mandate from the master of the Hospital, provided that the procurators hold or show a special commission from the priors and preceptors, or from any one of them, in the provinces or regions in which these priors and preceptors have been delegated. The priors, preceptors and brothers are obliged to give a full reckoning to the master concerning everything: conduct, actions, receipts and negotiations. The procurators are to render a similar account to the priors and preceptors, and to each one of them, by whom they were delegated.

All who have knowingly given counsel, aid or favour to the occupiers and detainers mentioned above concerning such occupation or detention, publicly or secretly, lie under excommunication. Chapters, colleges or governing bodies of churches and monasteries, and the corporations of cities, castles, towns and other places, as well as the cities, castles, towns and other places themselves, which were at fault in this, and the cities, castles and places in which the detainers and occupiers hold temporal lordship, if such temporal lords place obstacles to the giving up of the property and its restoration to the master and brothers of the Hospital, in the name of the Hospital, not desisting from such conduct within a month after the property is called for, are automatically laid under interdict. They cannot be absolved from this until they offer full satisfaction. Moreover the occupiers and detainers and those who have given them counsel, aid or favour, whether individuals or the chapters, colleges or governing bodies of churches or monasteries, as also the corporations of cities, castles, lands or other places, incur, in addition to the above-mentioned penalties, automatic deprivation of everything they hold as fiefs from the Roman or other churches. These fiefs are to revert freely without opposition to the churches concerned, and the prelates or rulers of those churches may dispose of the fiefs at will, as they judge will be to the advantage of the churches. Let nobody therefore ... If anyone ...

Given at Vienne on 2 May in the seventh year of our pontificate¹.

Continued in E: We therefore commission you by our apostolic letters, that acting together or in pairs or singly, directly or through one or more others, you induct the master or priors or preceptors or brothers of the Hospital, or any individual member, or their procurator or procurators, in the name of the Hospital, into possession of the house of the Knights Templar and of their other houses, churches, chapels, oratories, cities, castles, towns, lands, granges, places, possessions, jurisdictions, revenues and rights to all their other movable, immovable

¹ 2 May 1312; see Muller 42-43, 225, 227, 417, 651 ; see also *Regestum* 8346, 8862, 8975, 9383, 10166, 10243.

[3]. Clemens episcopus servus servorum Dei, ad certitudinem praesentium et memoriam futurorum. Considerantes dudum inquisitiones et processus varios de mandato sedis apostolicae per universas partes christianitatis contra ordinem quondam Militiae Templi et ipsius singulas personas habitos sive factos super hacresibus, de quibus ipsi erant graviter infamati et specialiter super eo quod fratres eiusdem quondam ordinis» dum in ipso recipiebantur ordine ac interdum post receptionem eorum, Christum negare et in eius opprobrium super crucem sibi ostensam spuere et eam interdum conculcare pedibus dicebantur, quodque generalis magister ipsius ordinis, visitator Franciae, ac maiores ipsius ordinis praeceptores necnon et quamplures fratres eiusdem in iudicio confessi fuerunt de haeresibus

ventium, cum omnibus membris, iuribus et pertinendis suis, ultra et citra mare ac in universis et quibuslibet mundi partibus consistendum, quae ipse ordo et dictus magister et fratres ipsius ordinis Militiae Templi, praedicto tempore huiusmodi occupationis eorum per se vel quoscumque alios habebant, tenebant et possidebant vel ad eosdem domum et ordinem Militiae Templi et dictos magistrum et fratres ipsius ordinis Militiae Templi quomodolibet pertinebant, inducatis auctoritate nostra et defendatis inductos, amotis praedictis occupatoribus et detentoribus ac administratoribus et conservatoribus, in his ipsis auctoritate apostolica et quavis alia deputatis et quibuslibet aliis ab eisdem eisque faciatis de illorum fructibus, redditibus, proventibus, iuribus et obventionibus universis integre responderi; occupatores seu detentores, administratores, conservatores et alios praedictos, nisi infra dictum terminum, ut praemittitur, bona et redditus praedicta dimiserint, illaque libere et plene restituerint ordini ipsius Hospitalis et eidem Hospitali aut magistro seu prioribus vel praeceptoribus aut fratribus Hospitalis eiusdem in partibus et provinciis, ubi bona huiusmodi fuerint, constitutis, eorumque singulis vel procuratori seu procuratoribus eorundem, ipsius Hospitalis nomine, ut superius est praemissum, ac praestantes occupatoribus seu detentoribus ac administratoribus et conservatoribus huiusmodi auxilium, consilium vel favorem, si singulares personae, excommunicationis, si vero capitula, collegia seu conventus seu universitates exstiterint et ipsas civitates, castra, villas et loca, quae in hiis culpabilia fuerint, ac etiam civitates, castra et loca in quibus detentores et occupatores huiusmodi dominium obtinuerint temporale, si huiusmodi domini temporales in dimittendo bona praedicta et restituendo illa magistro et fratribus Hospitalis eiusdem, ipsius Hospitalis nomine, obstaculum adhibebunt et infra dictum mensem ab huiusmodi praemissis non duxerint, ut praedicitur, desistendum; tamdiu interdicti per vos latis sententiis subiacere et nihilominus omnibus bonis, quae a Romana vel aliis ecclesiis quibuscumque tenent in feudum, fore privatos seu privata, per omnia loca in quibus expedire videritis denuntiatis et faciatis ab aliis nuntiari dictosque excommunicatos arctius evitari, donec super hiis congrue satisfecerint et absolutionis meruerint beneficium obtinere, non obstante si aliquibus a praedicta sit sede indultum, quod interdicti, suspendi vel excommunicari non possint per litteras apostolicas non facientes plenam et expressam ac de verbo etc.; contradictores etiam alios si qui fuerint per censuram ecclesiasticam, appellatione postposita, compescendo. Volumus autem et apostolica auctoritate decernimus, quod a data praesentium sit vobis et cuilibet vestrum in praedictis omnibus et singulis potestas et iurisdictio attributa, ut ex nunc in eis et eorum quolibet ita libere procedere valeatis ac si eadem iurisdictio per citationem vel modum alium perpetuata legitimum exstisset et quasi non integra perpetuata praefata iurisdictio censeatur, quodque unusquisque vestrum articulum per collegarum suorum aliquem inchoatum, felicitis recordationis Bonifatii papae VIII praedecessoris nostri contraria constitutione cessante, prosecui libere valeat etiam eodem collegante nec impedimento aliquo praepedito, quotiens et quando fuerit opportunum. Datum ut supra.

[3] Clement, bishop, servant of the servants of God, for assurance in the present and for future record. The inquiries and various processes commissioned not long ago by the apostolic see through all parts of Christendom against the former order of Knights Templar and its individual members, concerning accusation of heresies, brought them into grave disrepute. In particular there was the accusation that the brothers of the former order at, and sometimes after, their reception denied Christ and spat in his dishonour on a cross held out to them, and sometimes trampled it underfoot. The master of the order, the visitor of France, the chief preceptors and many brothers of the order confessed at their trial to these heresies. The confessions cast grave suspicion on

and self-moving property, with all their members, rights and belongings, both on the near and far side of the sea and in every pan of the world, which the order, master and brothers of the Knights Templar had, held or possessed, directly or through others, at the time of their arrest. The Hospitallers are to be inducted by our authority and defended afterwards; occupiers, detainers, administrators and conservators are to be removed. You are to ask a full account from those who have been delegated by apostolic authority and any other, including those sub-delegated, to care for the aforesaid property. The account is to comprise all the fruits, revenues, incomes, rights and accretions.

The occupiers or detainers, administrators, conservators and others, unless within the prescribed time they abandon the property and revenues, and restore them freely and fully to the order of the Hospital and to the same Hospital, or to the master, prior, preceptors or brothers of the Hospital, in the regions and provinces in which the property has been, including to each of them individually, or to their procurator or procurators, in the name of the Hospital, as said above, as well as those who give help, counsel or favour to the occupiers, detainers, administrators or conservators, are to be excommunicated by you, if they are individuals; but if they are chapters, colleges, convents or corporations, as well as the cities, castles, towns and places themselves at fault in this, and those in which the detainers and occupiers have temporal dominion and are obstructive when asked to abandon the property and restore it to the master and brothers of the Hospital, in the name of the Hospital, and refuse to desist from such conduct within a month, you are to lay them under interdict. The offenders are also to be deprived of all property which they hold in fief from the Roman or any other church. You will give notice everywhere where you think it useful and have it announced by others that the excommunicated persons are to be strictly avoided until they have made suitable satisfaction and merited absolution. No exception is to be made on account of any induit from the apostolic see to the effect that they cannot be laid under interdict, suspended or excommunicated by apostolic letters which do not make an express, full and word for word declaration. You are also to suppress any other objectors, if there be such, by ecclesiastical censure, disregarding appeals.

It is our will also and we decree by our apostolic authority, that with the present instruction you all and singly are given power and jurisdiction in every detail of this matter. You may from now proceed freely as if this same jurisdiction were perpetuated by citation or by any other lawful way. The jurisdiction shall be considered perpetuated as though the case were no longer undecided. Each of you may continue the part which has been left unfinished by one of your colleagues, in spite of his opposition and unhampered, notwithstanding the constitution of pope Boniface VIII, our predecessor of happy memory, as often and whenever this is suitable. Given as above.

supradictis, quodque ipsae confessiones dictum ordinem valde suspectum reddebant, attendentes insuper infamiam divulgatam, suspicionem vehementem, necnon praelatorum, ducum, communitatum, baronum ac comitum regni Franciae insinuationem clamorosa, grave quoque scandalum ex praedictis contra ordinem praelibatum subortum, quod non videbatur posse sedari, eodem ordine remanente animadvertentesque multas alias iustas rationes et causas, quae ad id nostrum moverunt animum, de quibus in processu super hoc habito continetur, cum gravi cordis amaritudine ac dolore, non per modum diffrinitivae sententiae, cum eam super hoc secundum inquisitiones et processus praedictos non possemus ferre de iure, sed per viam provisionis et ordinationis apostolicae, praefatum quondam Templi ordinem ac eius statum, habitum atque nomen subtulimus, removimus et cassavimus, ac perpetuae prohibitioni subiecimus, sacro concilio approbante, personas et bona eiusdem ordinis ordinationi et dispositioni sedis apostolicae reservantes, per hoc tamen processibus factis vel faciendis circa singulares personas aut fratres eiusdem quondam ordinis, per dioecesanos episcopos et provincialia concilia, prout per nos alias ordinatum exstitit, noluimus derogari. Nunc igitur volentes circa singulares easdem personas aut fratres plenius sicut expedit providere, fratres ipsos omnes praeter magistrum quondam dicti ordinis, visitatorem Franciae et Terrae Sanctae, Normanniae et Aquitaniae ac Pictaviae et provinciae Provinciae magnos praeceptores, quos dudum dispositioni nostrae specialiter reservavimus, et fratrem Oliverium de Penna dicti quondam ordinis militem, quem ex nunc dispositioni sedis apostolicae reservemus, iudicio et dispositioni conciliorum provincialium, sicut et hactenus fecimus, duximus relinquendos; volentes iuxta diversitatem conditionum ipsorum per eadem concilia cum eis procedi, videlicet quod illis, qui sunt iam supradictis erroribus sententialiter absoluti vel in posterum exigente iustitia absolventur, de bonis praefati quondam ordinis, unde iuxta status sui decentiam substantari valeant, ministretur; circa eos autem qui de praefatis erroribus sunt confessi, consideratis eorum conditionibus modoque confessionis eorum pensato, volumus a praefatis conciliis, prout eorum circumspectioni videbitur, rigorem iustitiae cum affluentia misericordia mitigari; circa impénitentes et relapsos, si qui — quod Deus avertat — inventi fuerint inter eos, iustitia aut censura canonica observanda; quoad illos vero qui etiam suppositi quaestionibus se praedictis esse involutos erroribus negaverint, per eadem concilia servari et fieri volumus, quod iustum fuerit et aequitas canonum suadebit. Eos autem cum quibus adhuc non est super dictis erroribus inquisitum et qui sub manu vel potestate ecclesiae non habentur sed sunt forsitan fugitivi, sacri approbatione concilii, praesentium tenore citamus, ut a die praesenti infra annum, quem ad hoc eis pro termino praeciso et peremptorio assignamus, coram dioecesanis suis curent personaliter comparere, subituri eorum examen, prout iustitia suadebit ac secundum praedictorum conciliorum iudicium pro meritis recepturi, magna tamen tam circa eos quam circa alios supra expressos, praeterquam contra relapsos et impénitentes misericordia adhibita et servata et eo semper proviso, quod de

the order. In addition, the widespread disgrace, the strong suspicion, and the clamorous charges of the prelates, dukes, communes, barons and counts of the kingdom of France also gave grave scandal which could hardly be allayed without suppression of the order. There were many other just reasons mentioned in the legal process which influenced us. We therefore, with the approval of the sacred council, our heart filled with great bitterness and sorrow, suppressed and abolished the said former order of the Temple and its constitution, habit and name and we forbade its restoration. We did this, not by definitive sentence, since we could not legally do this according to the inquiries and processes mentioned above, but by apostolic provision and ordinance. We reserved the persons and property of the order to the decision and disposal of the apostolic see. In doing so, however, we had no intention of derogating from the processes made or to be made concerning individual persons or brothers of the said former order by diocesan bishops and provincial councils, as we have ordained elsewhere.

Now therefore we wish to provide more suitably for individual persons or brothers. We reserved lately for our own disposition the master of the former order, the visitor of France and the chief preceptors of the holy Land, Normandy, Aquitaine, Poitou and the province of Provence, as well as brother Oliver de Penne, a knight of the said former order, whom henceforth we reserve to the disposition of the apostolic see. We have decided that all the other brothers should be left to the judgment and disposition of provincial councils, as we have indeed done until now. We wish judgment to be given by these councils in accordance with the different cases of individuals. Thus those who have been legally acquitted, or will be acquitted in the future, shall be supplied with the goods of the former order whereby they can live as becomes their state. With those who have confessed concerning the above errors, we wish the provincial councils prudently to temper justice with mercy: the situation of these men and the extent of their confessions are to be duly weighed. With regard to those who are impenitent and have relapsed, if any — which God forbid — be found among them, justice and canonical censure are to be observed. As for those who even when questioned have denied their involvement in the above errors, the councils are to observe justice and equity according to the canons. With the approval of the sacred council, we hereby cite those who have not yet been questioned and who are not held by the power or authority of the church but are perhaps fugitives, to appear in person before their diocesans within a year from today. This we assign them as a precise and final limit. They are to undergo an examination by their diocesans, receiving a just judgment from the said councils according to their deserts. Great mercy however is to be shown and observed both to these last and to those previously mentioned, except the relapsed and

bonis dicti quondam ordinis provideatur in necessariis, tam istis quam illis et etiam aliis omnibus eiusdem quondam ordinis fratribus, quando- cumque ad ecclesiae oboedientiam venerint et quamdiu in oboedientia eadem perstiterint, iuxta status sui conditiones et decentiam eorumdem; 4
ipsis omnibus in domibus praefati quondam ordinis aut in religiosorum aliorum monasteriis, ad expensas tamen ipsius quondam ordinis iuxta dictorum conciliorum arbitrium collocandis, ita tamen quod in una domo unove monasterio nullatenus multi simul ponantur. Mandamus etiam et districte praecipimus omnibus apud quos et per quos fratres dicti quondam ordinis detinentur, ut eos libere restituant et dimittant, quando- 10
cumque per metropolitanos et ordinarios fratrum ipsorum fuerint super hoc requisiti. Quod si infra praefatum annum coram dioecesanis praedictis praemisso modo citati non curaverint, ut praemittitur, compatere, eo ipso sententiam excommunicationis incurrant; et quia in causa praesertim fidei contumacia suspicioni praesumptionem adicit vehementem, si sic 15
contumaces excommunicationem praedictam per annum animo susti- nuerint pertinaci, ex tunc velut haeretici condemnentur. Verum huius- modi nostrae citationis edictum, quod fit ideo ex certa scientia facimus et eo fratres praedictos arctari volumus, ac si essent per speciales citationes personaliter apprehensi, quia ut vagabundi nullatenus possent aut saltem 20
non faciliter inveniri, ut contra citationis eiusdem processum omnis calumniae tollatur occasio, in praesenti sacro concilio publicamus. Et ut ipsa talis citatio certius ad fratrum ipsorum et communem omnium notitiam deducatur, cartas sive membranas processum citationis huius- modi continentes bullaque nostra bullatas in maioris ecclesiae Viennensis 25
appendi vel affigi ostiis faciemus, quae citationem huiusmodi suo quasi sonoro praeconio et patulo iudicio publicabunt, ita quod fratres praedicti, quos citatio ipsa contingit, nullam possint excusationem praetendere, quod ad eos ipsa citatio non pervenerit vel quod ignorarint eandem, cum non sit verisimile remanere apud eos incognitum vel occultum, quod 30
tam patenter omnibus publicatur. Ceterum ut circa hoc cautela plenior observetur, dioecesanis locorum praecipimus, ut in suis cathedralibus ac locorum insignium dioecesium suarum ecclesiis, huiusmodi nostrae citationis edictum, cum primum comode poterunt, faciant publicari.

Dat. Viennae, II nonas maii, anno septimo l.

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[4.] Universis administratoribus et curatoribus ad administrandum et conservandum bona quondam domus et ordinis Militiae Templi, apostolica et quacumque auctoritate alia deputatis, ubicumque consistentia. Nuper in generali concilio, per nos Viennae, disponente Domino, celebrato, post longam deliberationem praehabitam et maturam, acceptabilius fore credentes Altissimo, magis honorabile fidei orthodoxae cultoribus ac subventioni 40
Terrae sanctae utilius exstimantes, bona quondam domus et ordinis Militiae Templi ordini Hospitalis sancti Iohannis Ierosolimitani concedere, quam ordini de novo creando unire aut etiam applicare, consilium deliberationis nostrae providit, sed quia tunc aliquibus asserenti- bus, utilius fore bona ipsa ordini noviter creando conferre, quam dicti Hospitalis ordini applicare, tunc noster affectus speratum effectum super hoc obtinere nequivit. Tandem 45
vero, sic per Dei gratiam actum fore dinoscitur, quod VI nonas praesentis mensis maii.

1 Dic 6 maii 1312; e *Rtg.* 8784; cf. Müller 43, 234, 417, 651, 685; cf. etiam *Reg.* 8573.

impenitent. They should also be provided from the property of the order with the necessities of life; all the brothers of the former order, whenever they return to the obedience of the church and as long as they persist in that obedience, shall be maintained as becomes the circumstances of their state. All of them shall be placed in houses of the former order or in monasteries of other religious, at the expense however of the former order itself according to the judgment of the said provincial councils; but many of them shall not be placed together at the same time in one house or monastery.

We order also and strictly command all those with whom and by whom the brothers of the former order are detained, to surrender them freely whenever required to do so by the metropolitans and the ordinaries of the brothers. If within the year those cited do not appear before the diocesans, as stated above, they incur automatically sentence of excommunication; and because in a case especially concerning the faith, contumacy adds strong presumption to suspicion, the contumacious who stubbornly remain excommunicate for a year are henceforth to be condemned as heretics. This citation of ours is made of set purpose and we wish the brothers to be obliged by it as if they had received a special citation personally, for as vagabonds they can in no way be found or at least not easily. In order, then, to prevent all subterfuge, we publish our edict in the present sacred council. And in order to bring this citation more assuredly to the knowledge of the brothers themselves and to the general knowledge of all, we shall have papers or parchments containing the citation and sealed with our bull hung or fastened to the doors of the principal church of Vienne. This will secure a loud and widespread publication of this citation, so that the brothers whom the citation concerns can claim no excuse that the citation has not reached them or that they were ignorant of it, since it is improbable that what is so openly made public to all can remain unknown or hidden to them. Furthermore, in order to observe greater precaution, we order the local diocesans to make public this edict of our citation, as soon as conveniently possible, in their cathedrals and in the churches at the most conspicuous places in their dioceses.

Given at Vienne on 6 May 1312 in the seventh year.

[4J. To all the administrators and guardians of the property' of the former house and order of the Knights Templar, delegated by apostolic and any other authority. Recently we held, as the Lord so disposed, a general council at Vienne. There we gave long and careful consideration to the disposal of the former house and order of the Knights Templar. We thought it more acceptable to the most High, more honourable to those who worship in the true faith, and more useful for the aid of the holy Land, to grant this property to the order of the Hospital of saint John of Jerusalem, rather than to give it or even attach it to a new order to be created. There were some, however, who asserted that it would be better to confer the property on an order to be newly created than to attach it to the order of the Hospital, and so we were unable to obtain the result we hoped for. At last, however, by God's favour, on 2 May of this present

¹ 6 May 1312; from *Regestum* 8784; see Muller 43,234, 417, 651, 685; see also *Regestum* 8573.

eodem sacro approbante concilio» Hospitali seu ipsius Hospitalis ordini supradictis praefata bona concedenda et applicanda duximus et etiam unienda» bonis eiusdem ordinis Militiae Templi in regnis et terris carissimorum in Christo filiorum nostrorum . . . Castellae, . . . Aragonum» . . . Portugaliae et Maioricarum regum illustrium¹* extra regnum Franche consistentibus, dumtaxat exceptis, quae ab unione» concessione et applicatione huiusmodi, ex certis causis excipienda duximus et etiam excludenda, ipsa dispositioni nostrae et sedis apostolicae specialiter reservantes, quosque de illis aliter pro dictae Terrae subsidio, per nostram et dictae sedis providentiam exstiterit ordinatum. Quocirca universitati vestrae per apostolica scripta districte praecipiendo mandamus, quatenus bona praedicta cum redditibus
 5 inde perceptis, deductis deducendis expensis, eisdem magistro et fratribus, aut singula eorum singulis dicti Hospitalis prioribus seu praeceptoribus provinciarum aut civitatum vel dioecesium seu locorum in quibus bona ipsa consistunt, seu procuratori vel procuratoribus eorundem» sive ipsorum alicuius, prout cuiuslibet vestrum curae et administrationi commissa fuerunt» cum ab eis vel eorum aliquo super hoc fueritis requisiti, infra unum
 15 mensem a tempore requisitionis huiusmodi, nomine dictorum Hospitalis et ordinis, integraliter restituere et assignare curetis» ita quod magister et fratres ac priores et praeceptores, seu procurator vel procuratores praedicti de vobis in hac parte digne se valeant commendare, nosque in vobis devotae oboedientiae promptitudinem merito cognoscamus.

Dat. Liverone» Valentin, dioecesis, XVII kal. iunii, anno septimo⁸.

to [5.]³*Redemptor noster, unigenitus Dei filius dominus Iesus Christus, in tantum Syon filiam» videlicet Terram sane dilexit» quod eam sibi in hereditatem et proprium patrimonium praelegit, hanc itaque* ipse nostrae camis indumento vestitus sua decoravit praesentia suisque pretiosissimi aspersione sanguinis consecravit. Sed lugendum est, pro dolor, et amare dolendum» quod tam praeclara nostri redemptoris hereditas versa est ad alienos et Babilonici persecutoris furore confusa iacet, coinquinatorum pedibus conculcata et per immundissimos Sarracenos, hostes perfidos nominis Christiani, vilissima ipsorum contrectatione polluta, occupata miserabiliter detinetur et trucidato in ea im-^{ter-iter}ter populo Christiano» ad maiorem contumeliam creatoris totiusque christianitatis iniuriam et dolorem ab hostium ipsorum abhominanda spurcitia blasphematur ibidem horribiliter nomen Christi.
 30 Lamentatur itaque diris afflicta flagellis regio ipsa tristis et de intollerabili persecutione, quam patitur, lamenta multiplicans clamat ad Christi vicarium» christianos principes et plebem catholicam interpellat opprobriis sauciata, eis quoque sua vulnera detegit, a quibus exspectat operam medicantis» illorum dexteram vindicem expetit, pro quorum salute salutis auctor in ea crucis pertulit passionem. Hiis igitur et aliis circa haec, quae animus
 35 nequit plene concipere nec lingua referre, ad cor ascendentibus et excitantibus mentem nostram, quam primo ad apostolicae dignitatis apicem fuimus licet indigni divina dignatione vocati, statum lugubrem dictae Terrae pia considerationis oculo intuentes, studuimus cogitare remedia, quibus ope comite caelestis auxilii Terra ipsa de scelestis hostis manibus liberata sibi post tantarum tribulationum tenebras possent serena quietis optatae tem-
 40 pora provenire. Ad quod et alia pia et Deo accepta opera ope suae omnipotentiae promovenda fecimus apud civitatem Viennensem generale concilium convocare. Postmo-

■ utique *P* b suaque *P* c actor *P* d hoc *P*

c add. P: Verum carissimus in Christo filius noster Philippus rex Francorum illustris, qui una cum carissimo in Christo filio nostro Ludovico Navarrac rege illustre suam exhibuit

¹ Ferdinandus IV, Iacobus II, Dionysius, Iacobus.

⁸ Die 16 maii 1312; e *Reg.* 7952; cf. Müller 225-227.

³ Quia inscriptiones per plures noscuntur (cf. *Reg.* VIII, pp. 416-420), illam etiam omittimus quae in *Reg.* 9983 inveniri potest. Duae tamen redactiones in *Rtg.* exstant, una quae pro fundamento ponimus, universis et singulis episcopis, altera Philippo Francorum regi inscripta est (= *P*); cf. *Reg.* 8986 (die 19 dec. 1312).

month, with the approval of the sacred council» we judged that the property should be granted and attached and even united to the said Hospital or order. We made an exception, for certain reasons, of the Templars' property in the kingdoms and lands of our beloved sons in Christ, the illustrious kings ... of Castile. ... of Aragon, ... of Portugal, and ... of Majorca¹ outside the kingdom oi France. We reserved this property for our disposition and that of the apostolic sec, until some other arrangement be made by us and the apostolic see for its use to aid the holy Land.

We therefore strictly command all of you. by apostolic ordinance, to restore in full, in the name of the said Hospital and order, this property with the revenue gathered from it, after all expenses have been paid, to the master and brothers of the Hospital, or to restore individual items to the said Hospital's individual priors or preceptors of the provinces or cities or dioceses or places in which the property lies, or to the procurator or procurators of one or more of them, according to the terms of your commission, within a month of being so required. For this the master, brothers, priors and preceptors, or their procurator or procurators, shall fittingly commend you, and we shall rightly acknowledge your prompt and devoted obedience.

Given at Livron in the diocese of Valence on -16 May in the seventh year.

[5]? Our redeemer, the only-begotten Son of God, our Lord Jesus Christ, loved so much the daughter of Zion, the holy Land, that he chose her as his inheritance and his own patrimony. He therefore, clothed with our flesh, honoured her with his presence and consecrated her by the shedding of his precious blood. But we mourn and bitterly lament that so noble an inheritance of our redeemer has been turned over to strangers and laid low by the frenzy of the Babylonian persecutor, trampled underfoot by the feet of the defiled. She is dishonoured by the vile grasp of the unclean Saracens, faithless enemies of the Christian name. She has been occupied and wretchedly retained, the Christian people have been savagely slaughtered. To the insult of the creator, to the outrage and sorrow of all Christendom, the name of Christ is horribly blasphemed by the filthy and detestable conduct of the enemy. This sad region therefore weeps under the lash and repeatedly laments to the vicar of Christ about this intolerable persecution. Wounded by her disgrace, she pleads with Christian princes and the catholic people. She uncovers her wounds to those from whom she awaits the work of the healer. She demands liberation from those for whose salvation the author of salvation bore within her borders the suffering of the cross. All this and more besides, which the mind cannot fully conceive nor the tongue tell, rose to our heart and roused our mind as soon as we were called by divine favour, though unworthy, to the summit of apostolic dignity'. We gazed tenderly at the doleful state of the holy Land and we applied ourselves to think out remedies by which, with the aid of heaven, that Land, freed from the enemy's criminal hands, might see, after the darkness of so many tribulations, the bright times of longed-for peace.

For this and other holy works acceptable to God, to be advanced by his almighty power, we convoked a general council in the city of Vienne⁰. Then, together with our brothers the

c *P adds*: Indeed our beloved son in Christ, Philip the illustrious king of the Franks, who together with our beloved son in Christ, Louis the illustrious king of Navarre, was present at

¹ Ferdinand IV, James II, Denis, James.

² 16 May 1312; from *Regestum* 7952; see Muller 225-227.

³ The introductory address given in *Regestum* 9983 is omitted here because many other introductory addresses are known of (see *Regestum* VIII, pp. 416–420). *Regestam* gives two versions of the letter. The one used here as the base text (*Regestam* 9983) is addressed to each and all of the bishops. The other is addressed to king Philip of France (= P), sec *Regestam* 8986 (19 Dec. 1312).

dum* vero cum fratribus nostris sanctae Romanae ecclesiae cardinalibus, patriarchis quoque, archiepiscopis et episcopis ceterisque praelatis necnon carissimis in Christo filiis nostris Philippo Francorum et Ludovico Navarrae regibus illustribus, qui suam exhibuerunt in concilio memorato praesentiam^, et nonnullis aliis excellentibus viris ac reliquorum absentium praelatorum et etiam capitulorum, conventuum, ecclesiarum et monasteriorum procuratoribus 5 in ipso concilio congregatis longum, maturum, et diligentem tractatum habuimus super iuvando negotio dictae Terrae et tandem de ipsius approbatione concilii deliberavimus, ut ctdem Terrae per subsidium generalis passagii succurratur. Ad quod nos manum apostolicae potestatis apponere sollicitis studiis intendentes, praemissis omnibus digna consideratione pensatis, decimam omnium ecclesiasticorum reddituum et proventuum per 10 universas mundi partes, personis et locis Hospitalis sancti Ioannis Ierosolimitani et .diorum militarium ordinum dumtaxat exceptis, usque ad sex annos a kalendis ianuarii proximo praeteritis computandos* auctoritate apostolica eodem sacro approbante concilio duximus propterea imponendam per certos, sicut nobis videretur expediensd, colligendam terminos et solvendam ac in dictae Terrae subsidium et alias contra inimicos et infideles catholicae* 15 fidei convertendam/ Verum nos nuper considerantes attentius, quod litterae nostrae super

in concilio memorato praesentiam tanquam christianissimus principum, eiusdem Terrae sanctae negotium cordi gerens ac zelo fidei et devotionis accensus ad Terram ipsam de impiorum manibus eruendam et illius in ea vindicandas iniurias, super quem pro redemptione nostra opprobria ceciderunt, sic direxit et dirigit desideria mentis suae, quod in eodem 20 concilio generalis passagii per nos ordinati suscepit negotium proseguendum, intendens propterea usque ad certum tempus recipere vivificae crucis signum cum deliberato proposito potentialiter et personaliter in eiusdem Terrae sanctae subsidium transfretandi.

* nos *P* b carissimis in Christo___ praesentiam] et eisdem regibus *P* 25
c a kalendis ... computandos ow. *P* d sicut___expediens om. *P* c eiusdem *P*
* Verum nos ... sancta Dei evangelia⁴⁴] Et denique ipsius regis huiusmodi tam acceptum Deo propositum multipliciter in Domino commendantes et credentes congruum, quin immo dignissimum reputantes, ut princeps tam inclitus in tanti prosecutione negotii nostris et ecclesiae praesidiis adiuvetur, et praesertim attendentes, quod civitatibus locisque aliis, quae fideles olim in illis partibus obtinebant, per ipsorum hostium truculentam rabiem 30 devastatis locus aliquis ibidem ad recipiendum propugnatores fidei non remansit, propter quod negotii memorati promotio maioribus indiget profluviiis expensarum, quam indigeret olim, cum aliqui eiusdem regis progenitores et quidam alii christiani principes civitatibus et locis praedictis in situ prosperitatis manentibus, in quibus creari et recipi poterant catholici bellatores, in eiusdem Terrae subsidium transfretarunt, dictam sex annorum 35 decimam, videlicet ecclesiasticorum reddituum et proventuum regni Franciac, de quibus et prout decima solvi in praedicto regno retroactis temporibus consuevit, eidem regi in auxilium expensarum dicti negotii duximus concedendam iuxta suam prudentiam in eiusdem Terrae subsidium convertendam. Quare venerabiles fratres nostros universos archiepiscopos et episcopos ac dilectos filios electos, abbates, priores, decanos, praepositos, 40 archidiaconos, archipresbyteros et alios ecclesiarum praelatos, capitula, collegia et conventus Cistercienses, Cluniacenses, Praemonstratenses, sanctorum Benedicti et Augustini, Cartusienses, Grandimontenses et aliorum ordinum ceterasque personas ecclesiasticas saeculares et regulares, exemptas et non exemptas, per regnum Franciae constitutas, personis et locis Hospitalis s. Ioannis Ierosolimitani et aliorum militarium ordinum dumtaxat 45 exceptis, per alias nostras litteras rogamus, monemus et hortamur attentius cis nihilominus per apostolica scripta in virtute obedientiae districtius iniungentes, ut praefatam decimam pro divina et apostolicae sedis ac nostra reverentia per eosdem sex annos, quos a festo beatae Mariae Magdalene proximo futuro in antea volumus computari, ipsi et quilibet eorum solvere ac nihilominus ipsis archiepiscopis et episcopis et singuli eorum ab omnibus et 50 singulis abbatibus, prioribus, decanis, praepositis, archidiaconis, archipresbyteris et aliis ecclesiarum praelatis, capitulis, collegiis et conventibus ceterisque personis ecclesiasticis

cardinals of the holy Roman church, the patriarchs, archbishops, bishops and other prelates, and our beloved sons in Christ the illustrious kings Philip of the Franks and Louis of Navarre, who were present at the council, as also some other eminent men and the procurators of the remaining absent prelates and of chapters, convents, churches and monasteries, assembled at the council, we held a long, complete and careful discussion on bringing aid to the holy Land. At last we resolved, with the council's approval, to succour the holy Land by a general crusade. Intending to use our apostolic power zealously to this end, and having duly weighed all we have said, we judged, with the approval of the sacred council, that a tithe should be imposed by our apostolic authority on ail ecclesiastical revenues and incomes throughout the world. Only the persons and places belonging to the Hospital of saint John of Jerusalem and the other military' orders were to be exempted. The tithe was to be collected and paid for six years to be reckoned from 1 January last, in fixed instalments, as we should find best, and to be directed to helping the holy Land and opposing the infidels and the enemies of the catholic faith?

But actually we reflected of late that our letters concerning the imposition, collection and

the council, showed himself to be the most Christian of princes. He had the cause of the holy Land very much at heart. He burned with zeal of faith and devotion to rescue the holy Land from the hands of the impious and to right the wrongs there of him who underwent disgrace and shame for the sake of our redemption. He so directed and still directs the desires of his heart, that he undertook in the council the business of the general crusade ordained by us, intending therefore to take for a certain rime the sign of the life-giving cross, with the deliberate purpose of sailing personally with his forces to the aid of the holy Land.

† But actually we ... holy gospels of God”] And at last, commending in the Lord tills purpose of the king, so acceptable to God, we thought it fitting and most proper that we and the church ought to assist such a glorious prince in proceeding with this great enterprise. We observed especially that because the cities and other places once held by the faithful had been laid waste by the wild rage of the enemy, there was no place left to admit the champions of the faith. The enterprise would be more costly than formerly when some of the king's ancestors and other Christian princes had sailed to the aid of the holy Land; then the cities and places were prosperous and could produce and admit catholic warriors. We therefore judged that the tithe for six years, namely that on the ecclesiastical revenues and incomes of France, which used to be paid in times past in that kingdom, should be granted to the king to help him in his enterprise, so that he might use it for the aid of the holy Land.

We therefore ask, admonish and exhort earnestly all our venerable brothers, the archbishops and bishops, our beloved chosen sons, the abbots, priors, deans, provosts, archdeacons, archpriests and other prelates of churches, the chapters, colleges and convents of the Cistercians, Cluniacs, Premonstratensians, of saints Benedict and Augustine, of the Carthusians, Grandmontines and other orders, and other secular and regular ecclesiastical persons, exempt and non-exempt, in the kingdom of France, with the exception only of the persons and places belonging to the Hospital of saint John of Jerusalem and of the other military' orders, by our other letters, and also enjoining on them strictly by apostolic ordinance and in virtue of obedience, to pay the tithe, each and all of them, out of reverence for God, the apostolic see and us, for six years, which we wish to be reckoned from the next feast of blessed Mary Magdalen. We enjoin further on each archbishop and bishop to claim and collect from each and all of the abbots, priors, deans, provosts, archdeacons, archpriests and other prelates of churches, the chapters, colleges and convents, and other non-exempt secular and regular

huiusmodi impositione, collectione et solutione decimae ad vos infra kalendas non pervenerant supradictas nec etiam in brevi propter longam a Romana curia partium illarum distantiam commode pervenire valebant, et propterea relevationibus et commoditatibus vestris in hac parte benigne prospicere cupientes, praedictos sex annos in eisdem partibus

5 vestris in kalendis octobris futuri decrevimus inchoandos. Quare universitatem vestram rogamus, monemus et hortamur attentius, vobis nihilominus per apostolica scripta in virtute oboedientiae districtius iniungentes, quatenus praefatam decimam per eosdem sex annos a dictis kalendis octobris, ut praedicitur, inchoandos iuxta morem solitum per infra-

10 scriptos terminos, videlicet pro medietate primi anni dictorum sex annorum in eisdem kalendis octobris et pro reliqua medietate ipsius anni in kalendis aprilis ex tunc proxime secuturi et sic per singulos reliquos quinque annos per similes terminos absque difficultatis obstaculo vos et quilibet vestrum de redditibus et proventibus vestris ecclesiasticis sine diminutione qualibet persolvatis. Quod si forsitan in eisdem terminis defeceritis in solutione decimae supradictae, vos et quemlibet vestrum similes sententias, quas per vos vel alium

15 seu alias personas idoneas et fideles deputandam seu deputandas a vobis, ad eandem decimam in vestris civitatibus et dioecesibus colligendam in non solventes, illam in terminis supradictis proferri contigerit, incurrere volumus ipso facto. Et vos nihilominus a dilectis filiis abbatibus, prioribus, decanis, archidiaconis, praepositis, archipresbyteris et aliis

saecularibus et regularibus non exemptis singularum suarum civitatum et dioecesium,

30 praeterquam a praedictis personis et locis Hospitalis s. Ioannis Ierosolimitani et aliorum militarium ordinum, per ipsos vel per aliam seu alias personas, quam vel quas ad huiusmodi collectionis ministerium in singulis eorum civitatibus et dioecesibus assumendam duxerint vel etiam assumendas, de praedictis redditibus et proventibus ecclesiasticis iuxta morem solitum per infrascriptos terminos, videlicet pro medietate primi anni in festo beatae

25 Mariae Magdalenae proximo futuro et pro reliqua medietate ipsius anni in festo purificationis beatae Mariae virginis tunc proximo venturo et sic per singulos reliquos quinque annos per eosdem terminos absque difficultatis obstaculo auctoritate nostra exigere et colligere studeant. Nos vero personae vel personis huiusmodi quas, ut praemittitur, ipsi archiepiscopi et episcopi supradicti ad huiusmodi collectionis ministerium assumendam

30 vel assumendas duxerint, litterarum praedictarum tenore committimus et damus firmiter in mandatis, ut ipse auctoritate nostra etiam ab abbatibus, prioribus, decanis, praepositis, archidiaconis, archipresbyteris et aliis ecclesiarum praelatis, capitulis, collegiis et conventibus et ceteris personis ecclesiasticis saecularibus et regularibus exemptis, praeterquam a praedictis personis et locis Hospitalis s. Ioannis Ierosolimitani et aliorum praedictorum

35 militarium ordinum, huiusmodi decimam per annos et terminos memoratos iuxta praescriptam formam exigere et colligere studeant et tam ipsi archiepiscopi et episcopi, quam dictae assumptae vel assumendae personae decimam ipsam tam suorum, quam aliorum praedictorum reddituum et proventuum, prout per ipsos et easdem assumptas vel assumendas personas per eosdem singulos sex annos collecta exstiterit, vobis, quos ad hoc deputandos duximus, vel vestrum alicui integraliter assignare procurent per vos vel vestrum

40 aliquem dicto regi Franche seu illi vel illis, quem vel quos ipse ad hoc duxerit deputandos, pro dicto eiusdem passagii negotio assignandam. Ut igitur facilius et efficacius super collectione et assignatione huiusmodi decimae debitus subsequatur effectus, vobis et cuilibet vestrum praedictos archiepiscopos et episcopos et easdem assumptas vel assumendas per-

45 sonas ad solutionem et collectionem huiusmodi decimae ac assignationem de illa vobis, ut praescribitur, faciendam auctoritate nostra appellatione postposita compellendi necnon illis ex archiepiscopis et episcopis memoratis, qui occasione dictae decimae tempore debito non solutae excommunicationum, suspensionum vel interdicti fuerint ligati sententiis, post satisfactionem de illis exhibitam absolutionis beneficium impendendi et dispensandi

50 cum eis, qui dictis ligati sententiis vel carum aliqua celebrando divina vel immiscendo se illis maculam irregularitatis contraxerint, plenam et liberam praesentium tenore concedimus facultatem. *P*

payment of the tithe had not reached you by 1 January, nor could easily do so in a short time, on account of the great distance of those parts from the Roman curia. Wishing, then, to consult your ease and convenience, we have decreed that the six years are to begin in your region on 1 October next. We therefore ask, admonish and earnestly exhort you, also commanding you strictly by apostolic ordinance in virtue of obedience, to pay without difficulty the tithe for six years beginning from 1 October. The tithe is to be paid in the customary way, namely for the first half of the first year on 1 October next, and for the second half on 1 April immediately following, and in the same way for each of the remaining five years. Each of you is to pay it in full from your ecclesiastical revenues and incomes. If you fail to pay the tithe within the above periods, each of you automatically incurs sentences similar to those pronounced for non-payment by you or by the suitable and trustworthy persons delegated by you to collect the tithe in your cities and dioceses.

Furthermore, you are to collect the tithe from our beloved sons, the abbots, priors, deans, archdeacons, provosts, archpriests and other prelates of churches, the chapters, colleges and

ecclesiastical persons, in their cities and dioceses, except for the persons and places of the Hospital of saint John of Jerusalem and of the other military orders. The collection is to be made directly or through other persons appointed by them in each city and diocese, from the ecclesiastical revenues and incomes, in the usual manner for the periods stated below, namely for half of the first year on the next feast of blessed Mary Magdalen and for the remaining half on the coming feast of the purification of the blessed virgin Mary, and so on for the remaining five years. The tithe should be collected without difficulties being made and by our authority.

We empower and command, by our aforesaid letters, the persons delegated by the archbishops and bishops to make this collection, to claim and collect this tithe by our authority from the abbots, priors, deans, provosts, archdeacons, archpriests and other prelates of churches, the chapters, colleges and convents, and other exempt secular and regular ecclesiastical persons, with the exception of the persons and places of the Hospital of saint John of Jerusalem and the other military orders. The tithe is to be collected for the years and periods mentioned above. The archbishops and bishops, as also their delegates, are to take care to transfer to you, our deputies, their own tithe and that of others as collected by themselves or their delegates for each of the six years. You are to assign the collection to the king of France or his delegate or delegates for the purpose of the crusade.

In order that you may more easily and effectively collect and assign this tithe, we grant you by the present document free and unrestricted power, in virtue of our authority, to compel the archbishops and bishops and their delegates, disregarding any appeal, to the fulfilment and collection of this tithe and its assignation, as prescribed. We also grant you the same full power in imparting absolution to those archbishops and bishops bound by sentences of excommunication, suspension or interdict for not paying the tithe in due time, after they have made satisfaction, and of dispensing with those bound by such sentences who have contracted irregularity by celebrating or taking part in divine worship. *P*

ecclesiarum praelatis, capitulis» collegiis et conventibus Gsterciensibus, Cluniacensibus»
Praemonstratensibus. sanctorum Benedicti et Augustini» Cartusicnsibus, Grandimontensibus,
et aliorum ordinum cetensque personis ecclesiasticis saecularibus et regularibus non
exemptis, per vestras civitates et dioeceses constitutis, videlicet singuli vestrum in singulis
eisdem civitatibus et dioecesibus» prioribus et praeceptoribus» magistris et aliis personis 5
ac locis Hospitalis sancti Ioannis Ierosolimitani et aliorum militarium ordinum eorundem
dumtaxat exceptis, per vos vel huiusmodi aliam seu alias personas idoneas et fideles, quam
vel quas ad huiusmodi collectionis ministerium in singulis eisdem vestris civitatibus et
dioecesibus assumendam duxeritis vel etiam assumendas, ipseque et earum singulae, quas
omnino per vos ad hoc volumus et praecipimus deputari quibusvc id tenore praesentium 10
committimus et mandamus» in singulis praedictis civitatibus et dioecesibus, ubi talitbr
assumptae fuerint, a dilectis filiis abbatibus, prioribus» decanis, praepositis» archidiaconis,
archipresbyteris et aliis ecclesiarum praelatis, capitulis, collegiis et conventibus eorundem
ordinum exemptis dictarumstrarum civitatum et dioecesium, praeterquam ab eisdem
prioribus, praeceptoribus, magistris, personis et locis Hospitalis sancti Ioannis et aliorum 15
militarium ordinum praedictorum, huiusmodi decimam iuxta praedictum morem per annos
et terminos memoratos de redditibus et proventibus suis ecclesiasticis auctoritate nostra
integraliter exigere et colligere dictaque etiam assumptae personae decimam, quam, ut
praedicitur, ab ipsis tam exemptis quam non exemptis exigi et colligi contigerit per easdem,
singulis videlicet vestrum, a quibus taliter assumptae fuerint, per eosdem terminos seu pro 20
cis, quam cito commode poterunt, omni mora et dilatione postpositis, fideliter et integre
tradere et assignare, quas ad reddendum vobis computum de exactis et collectis a praedictis
non exemptis, ac traditionem et assignationem huiusmodi decimae per eas ab eisdem
exemptis et non exemptis exactae et collectae» ut praemittitur, faciendam per censuram
ecclesiasticam appellatione cessante cogatis» de ipsarum traditione et assignatione huiusmodi 25
confectis publicis instrumentis aliisque debitis cautelis adhibitis» per quae, cum opus fuerit,
constare valeat» quantum et a quibus, quando et pro quo tempore prefatae assumptae per-
sonae de decima ipsa receperint quantumque de illa, quando ac pro quo tempore singulis
vestrum tradiderint et assignaverint, studeatis. Quam quidem decimam tam per vos et
easdem personas ab aliis exemptis et non exemptis, ut praemittitur, exigendam et colligen- 30
dam, cum exacta et collecta exstiterit» vobisque illa etiam, quam per dictas personas a prae-
fatis exemptis exigi et colligi contigerit» tradita et assignata fuerit, ut superius est expressum,
quam illa» quam de dictis vestris redditibus et proventibus persolveritis, singuli vestrum
una cum capitulo suae cathedralis ecclesiae infra ecclesiam ipsam aut etiam alibi, prout
magis expedire cognoverint, in aliquo decentiori et tuitiori loco repositam suis et ipsius 35
capituli expensis faciant diligenter et fideliter custodiri, per eosdem singulos vestrum illi
vel illis, quem vel quos ad id deputandum seu deputandos duxerimus, prout et quando
nobis videbitur, pro huiusmodi Terrae ac fidei praedictarum negotiis assignandam. Ut igitur
facilius et efficacius super exactione et collectione huiusmodi decimae debitus subsequatur
effectus, vobis et singulis vestrum, abbates, priores, decanos, praepositos et alios supra 40
dictos non exemptos, in eisdem vestris civitatibus et dioecesibus per vos vel praedictas
personas per vos, ut praemittitur assumendas, eisdem vero personis abbates, priores,
decanos, praepositos et alios praelibatos exemptos in singulis eisdem civitatibus et dioecesi-
bus, in quibus deputatae fuerint, necnon quoscunque alios contradictores et rebelles per
censuram ecclesiasticam appellatione postposita compescendi, et insuper vobis et singulis 45
vestrum in eisdem vestris civitatibus et dioecesibus illis ex non exemptis praedictis ac
praefatis assumendis personis et earum cuilibet illis ex praedictis exemptis, qui occasione
praedictae decimae tempore debito non solutae excommunicationum, suspensionum vel
interdicti fuerint ligati sententiis, post satisfactionem de illa exhibitam iuxta formam ecclesiae
absolutionis beneficium impendendi et dispensandi cum eis, qui dictis ligati sententiis 50
vel earum aliqua celebrando divina vel immiscendo se illis sicut prius maculam irregulari-
tatis contraxerint, plenam et liberam concedimus tenore praesentium potestatem. Et ut
tam vos quam dictae personae ad dictam colligendam decimam per vos, ut praemittitur,

convents of the Cistercians, Clumacs, Premonstratensians, of saint Benedict and saint Augustine, of the Carthusians, Grandmontines and other orders, and other non-exempt secular and regular ecclesiastical persons, in your cities and dioceses, that is, each of you in each city and diocese. The priors, preceptors, masters and other persons and the places of the Hospital of saint John of Jerusalem and of the other military orders are to be the only exceptions made. The tithe is to be collected by you or by other suitable and trustworthy persons delegated by you for this service in each of your cities and dioceses. It is altogether our wish and command that you should delegate such persons. We entrust to them and command them by this document to claim and collect it in full by our authority, in each of the cities and dioceses where they are delegated, from our beloved sons the abbots, priors, deans, provosts, archdeacons, archpriests and other prelates of churches, and the exempt chapters, colleges and convents of the above-mentioned orders, in your cities and dioceses. Only the priors, preceptors, masters, persons and places of the Hospital of saint John of Jerusalem and of the said other military orders are to be excepted.

The tithe is to be claimed and collected in full from the ecclesiastical revenues and incomes, by our authority, in the customary way according to the years and periods mentioned above. The delegates are to collect it from both the exempt and the non-exempt: each is to hand over and assign it for each period to the person among you by whom he was delegated, without delay or as soon as he conveniently can. You are to compel them by ecclesiastical censure, without any appeal, to give you an account of the money claimed and collected from the aforesaid non-exempt persons, as well as to hand over and assign the tithe claimed and collected from both the exempt and the non-exempt. Public instruments are to be drawn up and other due precautions taken concerning the handing over and assigning of the tithe. In this way, when needed, it can be established how much, from whom, when and for what period the delegates received the money and how much, when and for what period they handed over and assigned it to each of you.

The money which has been duly claimed and collected by you and your delegates from the exempt and non-exempt persons and has been handed over to you, including that which has been claimed and collected by your delegates from the said exempt persons, as mentioned above, and also the money which you will pay from your own revenues and incomes, is to be put away by each of you, together with your cathedral chapter, beneath the church or even elsewhere, as you think best, in some more becoming and safe place. Here, at your expense and that of the chapter, you will have it guarded carefully and faithfully, to be consigned by each of you to our delegates as and when shall seem good to us, for the business of the holy Land and the service of the faith.

In order that you may more easily and effectively collect this tithe, we grant by this document full and unrestricted power to each of you to constrain by ecclesiastical censure, directly or through your delegates, disregarding any appeal, the abbots, priors, deans, provosts and other aforesaid non-exempt persons, in your cities and dioceses. We grant the same power to your delegates, in each city or diocese for which they have been delegated, with regard to the abbots, priors, deans, provosts and other aforesaid exempt persons. This power may also be used to constrain any opponents and rebels. In addition, we grant full and unrestricted power to you to absolve in your cities and dioceses, after satisfaction has been made, the aforesaid non-exempt persons, and to your delegates regarding the aforesaid exempt persons, who, because of non-payment of the tithe in due time, are bound by sentences of excommunication, suspension or interdict; also to dispense from irregularity contracted by celebrating divine worship or taking part in it while bound by one or more of the above sentences. In

deputandae fructum de vestris laboribus reportetis, praemissa vobis et eis in remissionem
injungimus peccatorum. Non obstantibus si vobis vel vestrum aliquibus aut abbatibus,
prioribus et aliis supradictis exemptis et non exemptis vel quibuscunque aliis ab eadem
sit sede indultum, quod ad solutionem alicuius decimae minimae teneamini et ad id compelli
5 aut quod interdici, suspendi vel excommunicari non possitis per litteras apostolicas, quae
de induito huiusmodi et toto eius tenore de verbo ad verbum ac de propriis ordinum,
locorum et personarum vestrarum nominibus plenam et expressam non fecerint mentionem,
seu quibuslibet privilegiis, indulgentiis, exemptionibus et litteris apostolicis, quibuscunque
10 dignitatibus, ordinibus, locis vel personis generaliter vel specialiter sub quacunque forma
vel conceptione verborum a sede memorata concessis, de quibus quorumque totis tenori-
bus de verbo ad verbum in nostris litteris specialis, plena et expressa mentio sit habenda.
Praeterea considerantes, quod in praemissis negotium Dei persequimini, et in conspectu
agitis eius, qui cuncta discernit, sibique necnon et nobis, qui circa hoc omnem diligentiam
intendimus adhibere, tenebimini reddere rationem ab utroque pro meritis recepturi, sic
15 prudenter in illis et sollicite gerere sicque diligenter et consulte vos habere curetis, quod
non solum vitetis penae confusionisque discrimina, sed laudis gloriam ac retributionis con-
dignae mereedem consequi valeatis. Volumus insuper, quod quilibet vestrum de praemissis
diligenter et sollicite prosequendis personas easdem per eum ad dictam colligendam deci-
mam deputatas, rurare faciat in hac forma: „Iuro ego ... a vobis domino ..., auctoritate
20 sedis apostolicae ac edam ab eadem sede deputatus collector ad exigendum, colligendum
et recipiendum decimam omnium reddituum et proventuum ecclesiasticorum ab omnibus
personis ecclesiasticis exemptis et non exemptis in civitate et dioecesi vestris, prioribus,
praeceptoribus, magistris et aliis personis ac locis Hospitalis sancti Iohannis Ierosolimitani
et aliorum militarium ordinum dumtaxat exceptis, constitutis pro Terrae sanctae ac fidei
25 catholicae negotiis ab eadem sede impositam, quod fideliter exigam, colligam et recipiam
atque custodiam ipsam decimam non deferendo in hiis alicui personae, cuiusvis dignitatis,
status, conditionis aut dignitatis existat, prece, timore, gratia vel favore seu quacunque
de causa, et integre vobis restituam et assignabo, cum id a vobis recepero in mandatis,
et super omnibus et singulis videlicet a praedictis non exemptis vobis, ab eisdem vero
30 exemptis per me exactis, collectis et receptis illi vel illis, quem vel quos praefata sedes ad
id deputandum duxerit seu etiam deputandos, reddam finalem et integram rationem, et
si contingat vos officium, quod in premissis geritis, dimittere, haec eadem faciam iuxta
mandatum illius, qui substituetur in eodem officio; sic me Deus adiuvet et haec sancta Dei
evangelia.”
35 Dat. Avinione, kal. decembris, anno octavo.

[6.] Ad memoriam futurorum. Licet dudum Viennae in generali concilio
constituti bonis ordinis quondam Templi cum suis iuribus, privilegiis, in-
dulgentiis, immunitatibus et libertatibus prius in ordinem Hospitalis s. Ioh-
annis Ierosolimitani per nos sacro concilio approbante translatis, pro pace
40 et concordia inter ecclesiarum praelatos ceterosque viros ecclesiasticos et
fratres ordinis dicti Hospitalis stabiliendis promptius et firmandis certis ad
hoc aliis nihilominus probabilibus concurrentibus causis omnia privilegia
praefato ordini Hospitalis per sedem apostolicam dudum concessa et per
consequens procul dubio privilegia quondam Templi, quae censeri debe-
45 bant Hospitalis et debent velut iam in ipsum ordinem Hospitalis translata,
excepto tamen exemptionis privilegio, si quod habebant, in ultima eius-

1 Die 1 dec. 1312; e *Reg.* 9983; cf. inter alios Millier 108, 169sq.; W. E. Lunt, *Financial Relations of the Papacy with England to 1327*, Cambridge, Mass. 1939, 394-397 et passim; cf. etiam *Reg.* 7759-7765, 8781-8782, 8844-8847, 8863-8864, 8913, 8916, 9260, 9620-9621, 10023, 10030-10031, 10037» 10200.

order that you and your delegates may have a reward for the labours undertaken, we enjoin on you the above things in remission of your sins.

The tithe is to be paid even if the apostolic see has granted an induit to you or some of you, or to the abbots, priors and other aforesaid exempt or non-exempt persons, or to anyone else, that you are not obliged and compelled to pay, or that you cannot be laid under interdict, suspension or excommunication by apostolic letters which have not made full and express mention of this induit and its tenor word for word, or of the names of your orders, localities and persons. The same applies to any privileges, indulgences, exemptions and apostolic letters which have been granted generally or specially in any form of words by the said apostolic see to any dignities, orders, places or persons, and of which and their whole tenor there should be made in our letters word for word, special, full and express mention. Consider, besides, that in these duties you are engaged in God's business, and that you are acting in the sight of him who sees all. You will therefore be obliged to render an account to him and to us; we intend to use all diligence in this matter. You will receive due reward from both him and us. You should therefore act prudently and carefully, not only to avoid the danger of punishment and confusion, but also to gain the glory of praise and well-deserved reward.

It is our wish also that each of you oblige the persons delegated by you for collecting the tithe, to swear that they will be diligent and careful in their work and to use this formula: "I swear ... by you, lord ..., who am delegated by the authority of the apostolic see and by the same see itself to claim, collect and receive a tithe of all ecclesiastical revenues and incomes from all exempt and non-exempt ecclesiastical persons in your city and diocese, that I will faithfully claim, collect, receive and guard this tithe which has been imposed by the apostolic see for the business of the holy Land and of the catholic faith. Only the priors, preceptors, masters and other persons and places of the Hospital of saint John of Jerusalem and of the other military orders are excepted. I shall not give way in this to any person, of whatever dignity, status or condition, whether from entreaty, fear, gratitude, favour or any other cause. I shall restore and consign the full tithe to you at your order. I shall render a final and integral account concerning everything in detail, namely to you regarding what I have claimed, collected and received from non-exempt persons, and to the delegate or delegates of the holy see regarding exempt persons. If you lay down your office in this matter, I shall do the same according to the orders of your successor. So may God help me and these holy gospels of God."

Given at Avignon on 1 December in the eighth year¹,

[6] For future record. Not long ago, in the general council at Vienne, we transferred, with the approval of the sacred council, the property, rights, privileges, induits, immunities and liberties of the former order of the Temple to the order of the Hospital of saint John of Jerusalem. For the sake of greater peace and concord between prelates of churches and other clergy on the one hand, and the brothers of the order of the Hospital on the other, as also for other justifiable reasons, we suspended, in the last session of the council, all the privileges granted to the Hospital by the apostolic see, and with them as a necessary consequence the privileges of the former Temple, which should be thought of as belonging to the said Hospital and transferred to it. We excepted the privilege of

¹ 1 December 1312; from *Regestum* 9983; see among others Müller 108, 169 ff.; W. E. Lunt, *Financial Relations of the Papacy with England to 1327*. Cambridge, Mass. 1939, 394–397 and passim; see also *Regestum* 7759-7765, 8781-8782, 8844-8847, 8863-8864, 8913, 8916, 9260, 9620-9621, 10023, 10030-10031, 10037, 10200.

dem concilii sessione omnino duxerimus suspendenda caque voluerimus usque ad voluntatis nostrae beneplacitum manere suspensa, quidam tamen minus plene praemissa in rationis examine deducentes asserere non verentur suspensionem huiusmodi ipsorum privilegiorum Hospitalis praedicti ad ipsius ordinis Templi quondam privilegia non extendi. Quamquam s
autem assertioni talium non suffragetur etiam color alicuius probabilis rationis, nos tamen a cordibus eorundem volentes cuiusvis dubii materiam submovere nostrae fuisse intentionis per suspensionem praedictam privilegiorum ordinis Hospitalis privilegia quondam Templi suspendere, quae iam erant per translationem praedictam ipsius ordinis Hospitalis 10
affecta, auctoritate apostolica declaramus ac illa esse decernimus sicut et alia privilegia Hospitalis et remanere suspensa. Sane licet per aliquos fratres nostros sanctae Romanae ecclesiae cardinales pluribus ex praelatis, qui ad concilium generale convenerant, ante suspensionem praefatam dictum fuerit in communi, quod ipsa privilegiorum Hospitalis suspensio is
fieret, quousque omnia circa concordiam, causas et lites, quae inter dictos praelatos et alios viros ecclesiasticos erant dubia, essent completa et perfecta, integraliter duratura, nos tamen attendentes quod, si finis causarum et litium huiusmodi deberet omnium expectari, posset per unam modicam causam ipsi ordini Hospitalariorum grave praeiudicium generari et sua 20
privilegia diutius non absque eorum grandi dispendio remanere suspensa, considerantes nihilominus, quod istud posset materiam multis ministrare calumniis, in dicta sessione ultima volentes tantis periculis obviare, viva voce clare et aperte promendum duximus hoc etiam tertio, ut ab omnibus et singulis plene posset intelligi, repetendo nos velle dictam suspensio- 25
nem privilegiorum ordinis Hospitalis praedicti usque ad nostrum beneplacitum perdurare, intendentes coopérante Domino sic utrorumque pensatis utilitatibus nostrae disponere beneplacitum voluntatis, quod et praelatis et personis aliis ecclesiasticis ac ipsis Hospitalariis sic providebitur in praemissis, quod neutri supererit conquerendi materia, quin 30
immo potius poterunt utrique merito contentari. Nulli ergo . . .

Dat. Avinione, XV kal. ianuarii, anno octavo^f.

[7.] Ad perpetuam rei memoriam. Dudum in generali concilio Viennensi per nos disponente Domino celebrato, sublato quondam Militiae Templi lerosolimitani ordine ac cassato bona praefati ordinis illis, quae in regnis et 35
terris carissimorum in Christo filiorum nostrorum . . . Castellae, . . . Aragoniae, . . . Portugaliae et . . . Maioricarum regum illustrium² extra tamen regnum Franciae consistunt, ex certis causis dumtaxat exceptis ac ipsis nostrae et sedis apostolicae dispositioni, quousque de illis per nostram et dictae sedis providentiam ordinaremus aliter, specialiter reservatis, ordinis 40
Hospitalis sancti Ioannis lerosolimitani in Terrae sanctae subsidium concessisse, applicasse et univisse meminimus sacro concilio approbante ac deinde in eodem concilio nonnulla, quae promotionem negotii eiusdem

¹ Die 18 dec. 1312; e *Reg.* 8974; cf. Müller 225sq., 651.

² Alphonso XI, Iacobus II, Dionysius, Iacobus.

exemption, if they had any. We wished these privileges to be suspended at our good pleasure. There are some, however, who assert on insufficient grounds that the suspension of these privileges of the Hospital does not extend to the privileges of the former order of the Temple. Although there is not the faintest reason for such an assertion, we wish to remove from their minds the slightest doubt that it was our intention, by the said suspension of the privileges of the order of the Hospital, to suspend the privileges of the former Temple, which have become by the transference those of the Hospital itself. We declare therefore by our apostolic authority and decree that these, like the other privileges of the Hospital, are and remain suspended.

Indeed, before the suspension, it was said in general by some of our brothers, cardinals of the holy Roman church, to many of the prelates assembled at the general council, that there would be a suspension of the Hospital's privileges until everything that was still uncertain among the said prelates and other clergy, with regard to concord, lawsuits and disputes, had been completely settled. We observed, however, that if it was necessary to await the end of all these lawsuits and disputes, one little case might generate grave prejudice against the Hospitallers, and great loss might result from the continuing suspension of their privileges. We reflected that this might provide material for many misrepresentations. In the last session of the council, therefore, wishing to obviate such greater dangers, we judged it fitting to make known orally, clearly and openly, even for a third time, so that each and all might clearly understand, that we wished the said suspension of the privileges of the order of the Hospital to continue until we willed otherwise. We intend with the Lord's help to consider what is good for both sides and to make provision for both prelates and other clergy on the one hand, and the Hospitallers on the other, so that neither will have reason for complaint but both will receive due satisfaction. Let nobody therefore ...

Given at Avignon on 18 December in the eighth year¹.

7]. For an everlasting record. Not long ago, under the Lord's providence, we held a general council at Vienne, at which we suppressed the former order of the Knights Templar of Jerusalem. We granted, attached and joined the Templar possessions, with the approval of the sacred council, to the order of the Hospital of saint John of Jerusalem, for the help of the holy Land; with the exception, for certain reasons, of their property lying in the kingdoms and lands of our beloved sons in Christ, the illustrious kings ... of Castile,... of Aragon,... of Portugal, and ... of Majorca², outside the kingdom of France, which we reserved for our disposal and that of the apostolic see until we made other arrangements. Then, in the same council, we made some sound provisions for furthering the cause of the

¹ 18 December 1312; from *Regestum* 8974; see Müller 225 ff., 651.

² Alphonsus XI, James II, Denis, James.

Terrae sanctae respiciunt, quaedam etiam, per quae inter ecclesiarum prae-
 latorum ceterosque viros ecclesiasticos ac fratres praedicti ordinis Hospitalis
 via praeccluderetur litigiis, scandalis et discordiis perpetuaque pax posset
 inter ipsos et concordia stabiliri, nec non et certa alia, quae ad reforma-
 5 tionem praefati ordinis Hospitalis pertinent, providimus salubriter ordi-
 nanda. Verum quia occupationes imminere, quae velut mare ad sedem
 praedictam confluunt et indesinenter cor nostrum exagitant, ordinationes
 huiusmodi iuxta nostrum desiderium non sinerunt hactenus nec adhuc per-
 mittunt executioni votivae mandari, ne oblivione vel occupatione qualibet
 10 fructus ordinationum tam salubrium pereat, sed potius oportuno tempore
 dante Domino colligatur, capitula huiusmodi faciendarum ordinationum
 praesentibus inseri fecimus, quorum tenores tales sunt. Ut ex applicatione
 bonorum ordinis quondam Templi ad ordinem Hospitalis cum provisio-
 nis nostrae ministerio prpmoveatur et prosperetur, sicut optamus, nego-
 15 tium Terrae sanctae ac inter praelatos et ceteros viros ecclesiasticos dic-
 tique fratres ordinis via praeccludatur litigiis, scandalis et discordiis, per-
 petuaque stabiliatur concordia inter eos, et ordo ipse ac professores ip-
 sius, si et prout expedire videbitur, refoventur, circa eundem ordinem
 tria providimus specialiter ordinanda; et ut primo agatur de hiis, quae
 m faciunt ad promotionem negotii Terrae sanctae bona praefati ordinis tam
 antiqua, quam nova et ipsorum valorem annum exacta exquiri diligentia
 faciemus, sollicite inquirentes et omnino scire volentes quantum quae-
 libet ipsius ordinis domus sive antiqua sive nova, valeat annuatim et de
 quanto possit quolibet anno Terrae sanctae subsidio respondere; quo
 25 facto iuxta exstimationem et valorem bonorum ipsorum et habita ratione
 de expensis in locis et propter loca ipsius ordinis necessario faciendis ad
 tenendum perpetuo in Terra sancta certum fratrum et militum numerum
 eundem ordinem astringemus. Qui quidem fratres et milites ad acquiren-
 dum Terram eandem et acquisitam etiam conservandum, quantum Deus
 m dederit, laborent efficaciter et intendant, ordinato per nos et proviso,
 quod citra mare fratres eiusdem ordinis paucissimi morabuntur, videli-
 cet soli ad regenda loca ipsius ordinis necessarii et alii senes et valetudi-
 narii et inhabiles ad bellandum; iuvenes autem et fortes ad bellandum
 habiles mittentur et tenebuntur necessario ultra mare, ut sic Terra sancta
 35 recipiat, quod sibi debetur ipseque ordo id, ad quod institutus est, sicut
 decet et expedit, prosequatur, non relictis sibi secundum haec ex divitiis
 aut personarum qualitate vel multitudine, sed adempta potius super-
 biendi licentia vel otiosa opera prosequendi, cum longe pauciores ipsius
 ordinis fratres et milites sint citra mare moram tracturi, quam hactenus
 40 morabantur, bonaque praedicta multum et longe plus solito onerata sint
 eis iuxta provisionem, de qua praemittitur, remansura. Verum etsi suc-
 cessoribus nostris, quod praemissa servari faciant, necessitatem impo-
 nere non possimus, ut eis tamen ad hoc occasionem demus et facilitatem
 etiam praeparemus, valorem annum singularum domorum praedictarum
 45 et servitium etiam, de quo singulis annis poterunt Terrae sanctae subsidio
 respondere necnon et certum fratrum et militum numerum, qui ultra
 mare, ut praemittitur, morari debebunt, faciemus in Romana curia cum

holy Land and others by which quarrels, scandals and discord might be prevented, and continuous peace and concord be established, between prelates of churches and other clergy on the one hand and the brothers of the Hospital on the other. We also made provision on other points relating to the reform of the order of the Hospital.

Actually, business has pressed upon us. It is like an ocean pouring into the apostolic see. The waters of care constantly harass our heart. We have not been permitted until now, and are still not permitted, to put into execution the arrangements we desire. In order that the fruit of such sound proposals may not perish through oblivion or pressure of business, but rather may be gathered up, by the Lord's will, at the opportune time, we have had the headings of these projected decrees inserted into the present document. Their drift is as follows. We wish that the transfer of property of the former order of the Temple to the order of the Hospital may, by our provision, be of advantage to the holy Land. We also wish that quarrels, scandals and discord be prevented between prelates and other clergy on the one hand and the brothers of the order on the other; that lasting concord be established between them; and that the order and its members be reformed, if and as this seems good. We have therefore made three special provisions regarding the order of the Hospital.

The first has to do with the holy Land. We shall have an exact and careful enquiry made into the past and present possessions of the order of the Hospital and their exact annual value. We shall wish to know fully the annual value of each old and new house of the order, and how much this represents each year in terms of assistance to the holy Land. On completion of this valuation, and taking into account the necessary local expenditure, we shall oblige the order to maintain continuously in the holy Land a certain number of brothers and knights. These brothers and knights are to labour effectively and strive to win the holy Land and keep it, as far as God grants. We shall arrange and provide that very few brothers of the order remain on this side of the sea. These shall be only those required to govern the houses of the order and those who are old, sick or unfit for war. The young and the strong, who are able to fight, shall be required to go and stay overseas so that the holy Land may have its needs met. The order will thus pursue the purpose for which it was instituted, as is only right and fitting. In this way it will not reserve for itself great wealth or many persons of quality. Rather, the order will lose all occasion for pride or the prosecution of idle enterprises, since the brothers and knights who drag their feet on this side of the sea will be far fewer than before. The property remaining behind will also be heavily and more than usually burdened as a result of our above-mentioned provisions.

We cannot impose on our successors the continuation of the above policy. Yet, in order to make this course of action possible and easier for them, we shall have the annual value of each house registered exactly in the Roman curia, and also the service which it will be able to provide each year for the holy Land, and the fixed number of brothers and knights required to stay overseas. We shall

exacta diligentia registrari et registrata cum registris papalibus sub
 bulla etiam nostra ordinabimus perpetuo conservari; ac ut etiam nulla
 super hoc desit diligentia vel cautela, praemissa, ut praedicitur, rege-
 strata ad reges omnes Christianos per eos perpetuo conservanda sub
 bulla nostra mittemus, ut si forte, quod absit, contigerit ordinationem s
 huiusmodi per praefatum ordinem non servari, reges ipsi de praedictis
 modo informati praemisso citius et plenius possint cognoscere, in quo
 cessabitur ab observantia ordinationis predictae, et ex hoc etiam per
 consequens inducantur, ut ordinationem ipsam facere observari pro-
 curent. Secundo autem ad tranquillitatem et pacem stabiliendam, ut 10
 supra dictum est, inter ecclesias et praelatos cum ordine saepefato taliter
 providebimus, videlicet quod omnia ipsius ordinis privilegia volumus et
 faciemus nobis integraliter exhiberi. Et licet exemptionem, si eam ipse
 ordo habeat, tollere, vel si non habeat, concedere minime intendamus,
 privilegia tamen, si qua habeat odiosa vel materiam litibus aut discordiis is
 sive scandalis ministrantia omnino tollemus; dubia, si qua forte, quae
 tolli non expediat, invenerimus, declarando et nihilominus ad provi-
 sionem concordiae pleniorum in qualibet provincia duos de ipsa praelatos
 et unum de clericis nostris vel aliis deputabimus, dantes eisdem plenam 20
 et liberam potestatem, ut simpliciter et de plano et sine strepitu et figura
 iudicii lites omnes et causas inter praefatum ordinem et ecclesias ac
 quascunque personas ecclesiasticas motas, et quae moveri possent, super
 ecclesiis, decimis et primitiis, procurationibus et rebus quibuscunque
 et iuribus, quacunque ratione vel causa, etiam propter bona vel iura dicti
 ordinis quondam Templi, vocatis, vel etiam si voluerint, non vocatis 25
 partibus, facta informatione vel non facta, sicut eis placuerit, audiant et
 decident vel inter partes ipsas componant; ita quod ab ipsis ante vel
 post sententiam vel decisionem eorum appellari non possit, sed quod
 ab eis factum fuerit et decism, omnino perinde habeatur ac si factum
 et decism esset a nobis. Quibus etiam potestatem concedemus ordinandi, 30
 ut procuraciones in lods diversis ab ipso ordine episcopis debitaе, ubi
 et sicut eis expedire videbitur, in annum censum pecuniam eisdem
 episcopis solvendam ab ordine convertantur, ita quod ipsi episcopi
 censum talem recipientes loca, a quibus vel propter quae censum ipsum
 recipient, in suis debeant visitare expensis, cum eis hoc videbitur oportu- 35
 tunum. Quod si ordinationem huiusmodi fieri visum non fuerit expedire,
 recipient episcopi, cum visitabunt, procuraciones sibi debitas in ecclesiis
 ipsius ordinis, quae sufficientes fuerint ad eas solvendas; in aliis autem,
 quae ad plenas procuraciones solvendas sufficientes non fuerint, taxabitur
 per superius deputatos, ad quid solvendum episcopis pro procuracionibus 40
 tales ecclesiae teneantur. Item ordinabimus, quod omnes ecclesiae curam
 animarum habentes annexam, quae ad ordinem Hospitalis Templi quoquo
 iure spectabant, et etiam aliis, quae ad ordinem Hospitalis nunc spectant
 seu spectabunt in posterum, subsint de cetero in omnibus, quoad spiri-
 tualia dioecesanis eorum exemptionis cuiuslibet privilegio non obstante. «
 Verum ut omnia superius ordinata citius et sine omni ordinis praefati
 diffugio compleantur et ut bona voluntas nostra circa praedicta clarius

arrange that the registered material be kept permanently with the papal registers under our bull. Further, that there be no lack of carefulness or caution in this matter, we shall send the registered material under our bull to all Christian kings to be permanently kept by them in order that if it should happen — though may it not — that this ordinance is not observed by the Hospitallers, the kings themselves, being informed in the above manner, may more quickly and fully know where the observance of this ordinance has ceased. As a result, they will also be moved to take care that it is observed.

Secondly, in order to establish tranquillity and peace, as was said above, between the churches with their prelates and the order of the Hospital, we shall see that all the privileges of the order are fully shown to us. And although we have no intention whatsoever of taking away its exemption, if the order has such, or of granting exemption, if the order has none, we shall altogether take away any privileges, if such there be, which are odious or provide matter for quarrels, discord or scandals. If we happen to find areas of uncertainty which it is not advisable to remove, we shall clarify. In addition, we shall delegate in each province two of its prelates and one of our clerics or another cleric to provide more fully for concord, giving them full and unrestricted powers, so that simply and easily, and without the din of a court of law, they may hear and settle or make peace between the parties in all disputes and cases that have arisen or might arise for any reason between the aforesaid order and the churches and any ecclesiastics with regard to churches, tithes, first-fruits, procurations and any property or rights whatsoever. This is to include questions concerning the property and rights of the former order of the Temple. The parties may be summoned or not, as they wish; charges may be laid or not, as they please. Before or after the delegates' decision there can be no appeal. Whatever they do or decide shall altogether be regarded as done or decided by us.

We shall also grant to them the power of regulating the procurations owed by the order to the bishops in different places so that, when and as seems good to them, they are converted into an annual payment as money to be paid by the order to the bishops. The bishops, on receiving such payments, are bound to visit at their own expense, at a time suitable for them, the places making them. If this regulation does not seem useful, the bishops will receive on visitation the procurations owed to them by the churches of the order, if these are able to pay them. If a church cannot pay the full procuration, the above delegates will make an estimate of the amount payable to the bishop as the procuration for that church. We shall also ordain that all churches which have annexed to them the cure of souls and belonged to the order of the Hospital on account of any right of the Temple, or even on account of any other rights which belong or shall belong to the Hospital, shall be subject in all spiritual matters to their diocesans, notwithstanding any privilege of exemption. Indeed, in order that everything decreed above may be fulfilled more quickly and without evasion on the part of the order, and that our good will may appear to everyone, we suspend entirely

omnibus elucescat, omnia privilegia praefato ordini per sedem apostolicam dudum concessa, excepto tamen exemptionis privilegio, si quod habent, omnino ex nunc suspendemus et suspensa manere volumus, usque ad nostrae beneplacitum voluntatis. Tertium circa praefatum s ordinem per nos, ut praedicitur, ordinandum cedit ad regulationem et reformationem ipsius, videlicet quod ordinationes, statuta et statum et processum ipsius ordinis et personarum eiusdem videbimus et examinabimus diligenter et approbando ac confirmando bona declarandoque dubia illa, quae correctionis lima egentia tam in ordine quam personis 10 ipsius in capite et membris inveniemus, ipsa ad veritatis et iustitiae morum et regularis observantiae normam cum rationis et aequitatis libratione, et prout utilitati et bono statui eiusdem ordinis expedierit, et Terrae sanctae subsidio reducemus, ut sic ordo ipse et praeservetur a casu et in statu salubri et prospero conservetur. Sane super eo, quod praelati is regni Franciae nobis, postquam fuerunt eis suprascripta exposita, supplicarunt, ut exemptionis privilegium, si quod habeat dictus ordo, tollamus vel saltem in dubio suspendamus, sicut et alia eiusdem ordinis privilegia superius ordinavimus suspendenda, et super eo etiam quod proposuerunt iidem praelati, quamdiu fratres praefati ordinis illitterati et simplices sub 20 cura suorum sacerdotum simplicium remanebunt et praelati ipsi eorum facta et conscientias ignorabunt, poterit ipsis fratribus esse in grave animarum dispendium seu periculum, quod remaneat eis exemptionis privilegium, si quod habent, respondemus et dicimus, quod propter temporis brevitatem super praemissis non possumus plene ac deliberate 25 aliquod ordinare, sed quam citius commode poterimus, utiliter dante Domino ordinabimus et providebimus super eis. Item sicut iidem praelati nobis supplicare curarunt, ordinamus et volumus, quod sicut iuxta praemissa singuli reges catholici habebunt scripturam valorem reddituum ipsius ordinis et alia, de quibus supra circa hoc agitur, continentem, ita m unaquaqueque provincia habere debeat et habeat eandem scripturam. Item iuxta supplicationem praelatorum ipsorum ordinamus et volumus, quod compositiones pendentes et factae a decem annis citra ac per metum dictorum ordinum Hospitalis et Templi quondam ab ecclesiis et ecclesiasticis personis extortae ipsis ecclesiis et personis non obstant vel in aliquo as noceant quodque, si duo praelati et alius non praelatus a nobis, ut praemittitur, deputandi super agendis coram eis in idem non poterunt concordare, valeat et plenam habeat firmitatem, quod ab uno de praelatis ipsis et tertio non praelato iudicatum fuerit aut in via compositionis vel concordiae ordinatum. Item supplicationi dictorum praelatorum, quan- to tum commode possumus, condescendentes concedemus duobus praelatis, ut praemittitur, deputandis a nobis circa praemissa procuraciones suarum dioecesium in absentia levandas in pecunia numerata et tertio non praelato faciemus de bonis ordinis quondam Templi in pecunia provideri. Item iuxta supplicationem eorundem praelatorum ordinabimus, quod 45 Hospitalarii excommunicatos aut interdictos publice aut eosdem vel usurarios manifestos ad ecclesiasticam sepulturam recipientes aut matrimonia sollemnizantes vel sollemnizari facientes aut permittentes in suis

from now all the privileges for long granted by the apostolic see to the order, except for the privilege of exemption, if possessed, and we wish them to remain suspended at our pleasure.

Thirdly, concerning the order of the Hospital itself, we shall be making decrees regarding its regulation and reform. We shall be seeing and examining carefully the rules, statutes, form of government and progress of the order itself and of its members. We shall approve and confirm what is good. We shall clarify doubtful points that we find in need of revision in the order itself and in its personnel, both head and members. We shall restore the norm of truth, justice and regular observance with the equilibrium of reason and equity, to the advantage and welfare of the order and for the help of the holy Land. In this way the order itself will be preserved from decay and kept in a healthy and prosperous condition.

The prelates of France, after the above intentions had been explained to them, petitioned that we should take away the privilege of exemption, if the order of the Hospital possessed it, or at least suspend such exemption, just as we have decreed the suspension of the order's other privileges. These prelates also declared that, as long as the unlettered and simple brothers of the order remain under the care of their simple priests, and the prelates themselves are unacquainted with the brothers' deeds and consciences, they can be in grave danger of losing their souls through having the privilege of exemption, if they do in fact possess it. Our reply is that because of shortness of time we are unable here to formulate a full and determinate decree. As soon as we can conveniently do so, we shall with the Lord's help decree and provide in this matter. Also, as these prelates earnestly petitioned us, it is our will and decree that just as individual catholic kings shall receive in writing the valuation of the order's revenues and the other relevant information, so each province ought to have and shall have the same document.

Also, in accordance with the petition of these prelates, we decree and determine that the compositions pending or made within the last ten years, which were extorted from churches and ecclesiastics through fear of the order of the Hospital and the order of the former Temple, do not disadvantage or harm the said churches and ecclesiastics in any way, and that if two prelates and a non-prelate delegated by us cannot reach agreement, then whatever is decided by one of the prelates and the non-prelate, or decreed by them by way of composition or agreement, shall have effect and full validity. Also, we wish to be as gracious as possible to the said prelates. Therefore we shall allow the two prelates delegated by us to raise in ready money the procurations of their dioceses while absent, and we shall have the non-prelate provided for in money from the property of the former order of the Temple. We shall also decree in accordance with the petition of the prelates of France, that Hospitallers who publicly receive excommunicated persons or those under interdict or notorious usurers for ecclesiastical burial, or for solemnizing their marriages or having them solemnized or permitting them to be solemnized in their churches against

ecclesiis contra iura aut sacramenta ecclesiastica alienis parochianis ministrantes vel ministrari in suis ecclesiis permittentes» excommunicationis sententiam ipso facto incurrant. Et prohibemus eis districte, ne per litteras apostolicas aliquos indebite vexare praesumant. Item iuxta supplicationem eorundem praelatorum super non constituendis novis ecclesiis vel capellis s aut non erigendis campanis et cimiteriis faciendis, ordinabimus et providebimus iura sufficienter super hoc edita, per ipsos hospitalarios observari.

Dat. Avinione, II kal. ianuarii» pontificatus nostri anno octavo[†].

[8.] Ad perpetuam rei memoriam. Licet pridem in generali ilio Viennae auctore Domino celebrato post dissolutionem quondam ordinis Templi ex certis rationabilibus causis factam, prout in dissolutionis eiusdem litteris serius continetur, post longa, praemeditata et matura consilia fratrum nostrorum necnon et totius concilii generalis ordini Hospitalis s. Iohannis Ierosolimitani et ipsi Hospitali ac dilectis filiis magistro et fratribus Hospitalis eiusdem nomine Hospitalis et ordinis eorundem, qui unquam athletae Domini strenue pro defensione fidei se periculis mortis jugiter exponentes, onerosa nimis et periculosa dispendia pertulerunt et continue perferunt in partibus transmarinis, ipsam domum Militiae Templi ceterasque domos, ecclesias, capellas, oratoria, civitates, castra, villas, terras, grangias omniaque alia bona immobilia, mobilia vel se moventia cum omnibus membris, iuribus et pertinentiis suis ultra et citra mare ac in universis et quibuslibet mundi partibus consistentia, quae quondam ordo ipse, magister et fratres ipsius ordinis Militiae Templi tempore, quo magister ipse et nonnulli ex eisdem fratribus dicti ordinis Militiae Templi in regno Franciae capti fuerunt communiter, videlicet anno Domini millesimo trecentesimo octavo mense octobris, per se vel quoscunque alios habebant, tenebant et possidebant vel ad eosdem pertinebant vel quomodolibet competere poterant vel debebant, cum suis iuribus, privilegiis, indulgentiis, immunitatibus et libertatibus, honoribus et oneribus universis donaverimus, concesserimus, univerimus, incorporaverimus et applicaverimus in perpetuum eodem sacro approbante concilio de apostolicac plenitudine potestatis, adiccto in donatione» concessione, unione, incorporatione et applicatione praedictis, quod bonis ipsis, iuribus, honoribus et oneribus suis salvis remanentibus ordini praefato Hospitalis s. Iohannis Ierosolimitani pro subsidio Terrae sanctae regibus, principibus, praelatis, baronibus, nobilibus et quibuslibet catholicis aliis iura quaccunque, quae sibi ante captionem praedictam magistri quondam ordinis Templi et nonnullorum aliorum fratrum eiusdem ordinis competebant, exceptis dumtaxat a donatione» unione ac incorporatione praedictis bonis quondam dicti ordinis Templi in regnis et terris carissimorum in Christo filiorum nostrorum ... Castellac, ... Aragoniae, — Portugaliac ac ... Maioricarum regum illustrium², extra dictum regnum Franciae consistentibus, quae ex causa a praedictis donatione, unione et incorporatione quo ad tunc duximus excludenda, ipsis dispositioni et ordinationi sedis apostolicac reservatis, in litteris tamen concessionis, donationis et incorporationis huiusmodi incuria seu negligentia aut occupatione scribae sive scriptoris earum de oneribus et iuribus, regibus, principibus, praelatis et aliis supradictis competentibus, quod salva eis remanere debeant, fuit mentio praetermissa. Ne igitur ex omissione tali possit in posterum super dictis oneribus et iuribus dubitatio aliqua suboriri dictisque regibus, principibus, praelatis» baronibus, nobilibus et personis aliis praejudicium aliquod generari, nos, qui iura cuique sua cupimus illesa servari, volentes super hoc dictis regibus, principibus, praelatis, baronibus, nobilibus et quibusvis catholicis aliis de oportuno remedio providere, declaramus nos donationem, unionem ac incorporationem praefatas fecisse dicto ordini Hospitalis s. Iohannis Ierosolimitani ac ipsi Hospitali et magistro ac fratribus Hospitalis eiusdem nomine

¹ Die 31 dec. 1312; c. *Reg.* 9984; cf. Müller 224sqq.» 417-418, 683.

¹ Alphonsus XI, Iacobus II, Dionysius, Iacobus.

the law, or for administering the sacraments to outside parishioners or permitting this in their churches, incur automatic excommunication. And we strictly forbid the Hospitallers to trouble anyone unduly by use of apostolic letters. We shall also decree, in accordance with the petition of the same prelates, against the building of new churches or chapels, the erecting of bell-towers and the making of cemeteries; we shall provide adequate laws on these subjects to be observed by the Hospitallers.

Given at Avignon on 31 December in the eighth year of our pontificate¹.

[8], For an everlasting record. Some time ago, in the general council held at Vienne under the Lord's inspiration, we suppressed the former order of the Temple for certain good reasons, as explained in the letter of suppression. After long and careful deliberations with our brothers and the whole council, we bestowed on the order of the Hospital of saint John of Jerusalem, on the Hospital itself and on our beloved sons, the master and brothers of the Hospital, in the name of the Hospital and of the order of these men, who as the Lord's athletes expose themselves unflinching to the danger of death in defence of the faith and have borne and still bear heavy loss overseas, the house of the Knights Templar and their other houses, churches, chapels, oratories, cities, castles, towns, lands, granges and all their other movable, immovable and self-moving property, together with all the members and rights and all that belongs to them, beyond and on this side of the sea and in all parts of the world, which the former order and its master and brothers had and comprised at the time when the master himself and some of the brothers were arrested as a body in the kingdom of France, namely in October 1308.

The property includes that which the Templars had of themselves or through others, and anything belonging to them in any way, with all their rights, privileges, induits, immunities, liberties, honours and charges. We donated and united all this forever to the Hospital and incorporated it into the Hospital, with the approval of the sacred council and from the fullness of our apostolic power, for the help of the holy Land. However, whatever rights belonged to kings, princes, prelates, barons, nobles and any other Catholics, before the arrest of the master of the former order of the Temple and of some other brothers, were to remain. We excepted from the said donation, union and incorporation the property of the former order of the Temple in the kingdoms and lands of our beloved sons in Christ, the illustrious kings ... of Castile, ... of Aragon, ... of Portugal, and ... of Majorca², lying outside the kingdom of France, which we reserved with good reason for the disposal of the apostolic see.

In the letter of donation, union and incorporation, however, through the carelessness, neglect or engagements of the scribe or secretary, mention was omitted of the non-violation of the rights of kings, princes, prelates and other persons concerned. Lest therefore any doubt arises in the future from such an omission concerning these charges and rights, and any prejudice be generated against the said kings, princes, prelates, barons, nobles and other persons, we, who desire that everyone retains his rights unimpaired, wishing to provide a suitable remedy in the matter for the said kings, princes, prelates, barons, nobles and any other Catholics, declare that we have made the above donation, union and incorporation to the order of the Hospital of saint John of Jerusalem, and to the Hospital itself and its master and brothers, in the name of the said Hospital and order, in the way expressed above. We determine and

¹ 31 December 1312; from *Regestum* 9984; see Müller 224 ff., 417-418, 683.

² Alphonsus XI, James II, Denis, James.

Hospitalis et ordinis eorundem sub modis et forma, qui sunt superius expressad, volentes et ex certa scientia decernentes, quod praefatis bonis dicti quondam ordinis Templi saepe-
fato ordini Hospitalis cum omnibus privilegiis, indulgentiis, immunitatibus, libertatibus,
iuribus, honoribus et oneribus remanentibus pro Terrae sanctae subsidio semper salvis,
5 regibus, principibus, praelatis, baronibus, nobilibus et quibuslibet catholicis aliis iura
quaecunque, quae dictae captionis tempore competebant eisdem, salva sibi remaneant et
per omnia illibata consistent ac perinde quo ad omnia censeantur, ac si praemissa distincte
et particulariter expressata in dictae donationis, concessionis, unionis et incorporationis
litteris extitissent. Nulli ergo . . .
10 Dat, Avinione, idus ianuarii, anno octavo.

II

DECRETA

[1] Fidei catholicae fundamento, *praeter quod* teste Apostolo *nemo
potest aliud ponerer*, firmiter inhaerentes, aperte cum sancta matre eccle-
sia confitemur, unigenitum Dei Filium in his omnibus, in quibus Deus
is Pater existit, una cum Patre aeternaliter subsistentem, partes nostrae
naturae simul unitas, ex quibus ipse in se verus Deus existens fieret
verus homo, humanum videlicet corpus passibile et animam intellecti-
vam seu rationalem, ipsum corpus vere per se et essentialiter informan-
tem, assumpsisse ex tempore in virginali thalamo ad unitatem suae
so hypostasis et personae. Et quod in hac assumpta natura ipsum Dei Ver-
bum pro omnium operanda salute non solum affigi cruci et in ea mori
voluit, sed etiam, emisso iam spiritu, perforari lancea sustinuit latus suum,
ut exinde profluentibus undis aquae et sanguinis³ formaretur unica et
immaculata ac virgo sancta mater ecclesia, coniunx Christi, sicut de latere
25 primi hominis soporati Eva sibi in coniugium est formata⁴, ut sic certae
figurae primi et veteris Adae, qui secundum Apostolum⁵ *est forma futuri*,
in nostro novissimo Adam⁶, id est Christo, -"critas responderet. Haec est,
inquam, veritas, illius praegrandis- aquilae vallata testimonio, quam
propheta vidit Ezechiel⁷ animalibus ceteris evangelicis transvolantem,
so beati Ioannis videlicet apostoli et evangelistae, qui sacramenti huius rem
gestam narrans et ordinem, in evangelio suo dixit: *Adlesum autem cum
venissent, ut viderunt eum iam mortuum, non fregerunt eius crura, sed unus militum
lancea latus eius aperuit, et continuo exivit sanguis et aqua. Et qui vidit, testi-*
25 *monium perhibuit, et verum est testimonium eius, et ille scit, quia vera dicit, ut*
et vos credatis.* Nos igitur, ad tam praeclarum testimonium ac sanctorum
patrum et doctorum communem sententiam apostolicae considerationis,
ad quam dumtaxat haec declarare pertinet, aciem convertentes, sacro
approbante concilio declaramus, praedictum apostolum et evangelistam
Ioannem rectum in praemissis factae rei ordinem tenuisse, narrando
40 quod Christo iam mortuo unus militum lancea latus eius aperuit. Porro

1 Die 13 ian. 1313; e *Reg.* 8973; cf. Müller 225.

‘ 1 Cor 3,11. » Cf. Io 19, 33-34. 4 Cf. Gn 2,20-24. s Rm 5,14.

* Cf. 1 Cor 15,45. ’ Cf. Ez 1, 4-28. 8 Io 19,33-35.

decree of our certain knowledge that, without violation of the property of the former order of the Temple donated to the order of the Hospital, together with all its privileges, induits, immunities, liberties, rights, honours and charges, for the help of the holy Land, nevertheless whatever rights belonged to kings, princes, prelates, barons, nobles and any other Catholics, at the time of the said arrest of the master and some brothers of the Temple, remain intact, unimpaired and exactly as they would be in everything as if they had been distinctly and expressly mentioned in the said letter of donation, union and incorporation. Let nobody therefore ...

Given at Avignon on 13 January in the eighth year¹.

II

DECREES

[1] Adhering firmly to the foundation of the catholic faith, *other than which*, as the Apostle testifies, *no one can lay*², we openly profess with holy mother church that the only begotten Son of God, subsisting eternally together with the Father in everything in which God the Father exists, assumed in time in the womb of a virgin the parts of our nature united together, from which he himself true God became true man: namely the human, passible body and the intellectual or rational soul truly of itself and essentially informing the body. And that in this assumed nature the Word of God willed for the salvation of all not only to be nailed to the cross and to die on it, but also, having already breathed forth his spirit, permitted his side to be pierced by a lance, so that from the outflowing water and blood³ there might be formed the one, immaculate and holy virginal mother church, the bride of Christ, as from the side of the first man in his sleep Eve was fashioned as his wife⁴; in this way, to the determinate figure of the first and old Adam, who according to the Apostle *'is a type of the one who was to come*, the truth might correspond in our last Adam⁶, that is to say in Christ. This, we say, is the truth, fortified by the witness of that huge eagle which the prophet Ezechiel⁷ saw flying over the other gospel animals, namely blessed John the apostle and evangelist, who relating the event and order of this sacrament, said in his gospel: *But when they came to Jesus and saw that he was already dead, they did not break his legs, but one of the soldiers pierced his side with a spear, and at once there came out blood and water. He who saw it has borne witness — his testimony is true, and he knows that he tells the truth — that you also may believe*⁸.

We, therefore, directing our apostolic attention, to which alone it belongs to define these things, to such splendid testimony and to the common opinion of the holy fathers and doctors, declare with the approval of the sacred council that the said apostle and evangelist, John, observed the right order of events in saying that when Christ was already dead one of the soldiers opened his side with a

¹ 13 January 1313; from *Regestum* 8973; see Millier 225.

² 1 Cor 3, 11. ³ See Jn 19, 33-34. * See Gn 2, 20-24. ⁵ Rm 5, 14.

⁶ See 1 Cor 15, 45. ⁷ See Ez 1, 4-28. ⁸ Jn 19, 33-35.

doctrinam omnem seu positionem, temere asserentem aut vertentem in dubium, quod substantia animae rationalis seu intellectivae vere ac per se humani corporis non sit forma, velut erroneam ac veritati catholicae fidei inimicam praedicto sacro approbante concilio reprobamus, diffinientes, ut cunctis nota sit fidei sinceræ veritas ac praecludatur universis erroribus aditus, ne subintrent, quod quisquis deinceps asserere, defendere seu tenere pertinaciter praesumpsetit, quod anima rationalis seu intellectiva non sit forma corporis humani per se et essentialiter, tanquam haereticus sit censendus. Ad hoc baptismum unicum baptizatos omnes in Christo regenerans est, sicut unus Deus ac rides unical, ab omnibus fideliter confitendum, quod celebratum in aqua in nomine Patris et Filii et Spiritus sancti, credimus esse tam adultis quam parvulis communiter perfectum remedium ad salutem. Verum quia, quantum ad effectum baptismi in parvulis, reperiuntur doctores quidam theologi opiniones contrarias habuisse, quibusdam ex ipsis dicentibus per virtutem baptismi parvulis quidem culpam remitti, sed gratiam non conferri, alii e contra asserentibus quod et culpa eisdem in baptismo remittitur et virtutes ac informans gratia infunduntur quoad habitum, etsi non pro illo tempore quoad usum, nos autem, attendentes generalem efficaciam mortis Christi, quae per baptismum applicatur pariter omnibus baptizatis, opinionem secundam, quae dicit tam parvulis quam adultis conferri in baptismo informantem gratiam et virtutes, tanquam probabiliorem et dictis sanctorum ac doctorum modernorum theologiae magis consonam et concordem, sacro approbante concilio duximus eligendam.²

¹ Cf. Eph 4,5.

² c. un. I, 1 in *Cient.* (Fr 2,1133-1134); ed. etiam apud *Bullarium Franciscarum*, V Romae 1898, nr. 196; cf. etiam conc. Lat. IV, c. 1 (v. supra p. 230). De doctrinis theologorum circa animae et corporis unionem ac praesertim Petri Iohannis Olivi cf. inter alios T. M. Zigliara, *De mente concilii Viennensis in definiendo dogmate unionis animae humanae cum corpore*. — Romae 1878; Fr. Ehrle, *Zur Vorgeschichte des Concils von Vienne*, Archiv für Literatur- und Kirchengeschichte des Mittelalters 2 (1886) 353-416; B. Jansen, *Die Definition des Kongils von Vienne: Substantia animae rationalis seu intellectivae vere ac per se humani corporis forma*, Zeitschrift für Katholische Théologie 32 (1908) 289-306, 471-487; M. Debièvre, *La définition du concile de Vienne sur l'âme...*, Recherches de science religieuse 3 (1912) 321-344; B. Jansen, *Die Lebrt Olivis über das Verhältnis von Leib und Seele*, Franziskanische Studien 5 (1918) 153-175, 233-258; id., *Quonam spectet definitio concilii Viennensis de anima*, Gregorianum 1 (1920) 78-90; Gratien de Paris, *Histoire de la fondation et de l'évolution de l'ordre des frères mineurs au XIIIe siècle*, Paris - Gembloux 1928, 470sq.; J. Koch, *Die Verurteilung Olivis auf dem Kongil von Vienne und ihre Vorgeschichte*, Scholastik 5 (1930) 489-522; L. Jarraux, *Pierre-Jean Olivi, sa vie, sa doctrine*, Études franciscaines 45 (1933) 521-529; B. Jansen, *Die Seelenlehre Olivis und ihre Verurteilung auf dem Viennener Kongil*, Franziskanische Studien 21 (1934) 297-314; L. Amorôs, *Aegidii Romani Impugnatio doctrinae Petri loasatis Olivi an. 1311-12 nunc primum in lucem edita (disseritur de mente concilii Viennensis in causa eiusdem P.I.OUvi)*, Archivum Franciscanum historicum 27 (1934) 399-451; Mulier 352-386; J. Koch, *Das Gulachten des Aegidius Romanus über die Lehren des Petrus Iohannis Olivi. Eine neue Quelle zum Kongil von Vienne (1311-1312)*, Scientia sacra. Theologische Festgabe ... Karl Joseph Kardinal Schulte, Köln - Düsseldorf 1935, 142-168; E. Müller, *Olivi und seine Lehre von der Seelenform auf dem Kongil von Vienne 1311(12)*, Kirchengeschichtliche Studien P. M. Bihl als Ehrengabe dargeboten, Kolmar 1942, 96-113; A. Maier, *Per la storia del processo contra l'Olivi*, Rivista

spear. Moreover, with the approval of the said council, we reject as erroneous and contrary to the truth of the catholic faith every doctrine or proposition rashly asserting that the substance of the rational or intellectual soul is not of itself and essentially the form of the human body, or casting doubt on this matter. In order that all may know the truth of the faith in its purity and all error may be excluded, we define that anyone who presumes henceforth to assert, defend or hold stubbornly that the rational or intellectual soul is not the form of the human body of itself and essentially, is to be considered a heretic.

All are faithfully to profess that there is one baptism which regenerates all those baptized in Christ, just as there is one God and one faith¹. We believe that when baptism is administered in water in the name of the Father and of the Son and of the holy Spirit, it is a perfect means of salvation for both adults and children. Yet because, as regards the effect of baptism in children, we find that certain theologians have held contrary opinions, some saying that by baptism guilt is indeed remitted in infants but grace is not conferred, others on the contrary asserting that both guilt is remitted and the virtues and sanctifying grace are infused with regard to habit though for the time being not with regard to use. we, considering the general efficacy of Christ's death, which through baptism is applied in like manner to all the baptised, choose, with the approval of the sacred council, the second opinion, which says that sanctifying grace and the virtues are conferred in baptism on both infants and adults, as more probable and more in harmony with the words of the saints and of modern doctors of theology.²

¹ See Eph 4, 5.

² ch. 111 *Clementines* (Fr 2, 1133-1134); printed also in *Bullarium Franciscanum*, V Rome 1898, no. 196; see also Lateran council IV, constitution 1 (see above p. 230). On the teachings of theologians on the union of the body and the soul, especially that of Peter John Olivi, see among others T. M. Zigliara, *De mente concilii Viennensis in definiendo dogmate unionis animae humanae cum corpore ...*, Rome 1878; Fr. Ehrle, *Zur Vorgeschichte des Concils von Vienne*, Archiv für Literatur- und Kirchen-geschichte des Mittelalters 2 (1886) 353-416; B. Jansen, *Die Definition des Konzils von Vienne: Substantia animae rationalis seu intellectivae vere ac per se humani corporis forma*, Zeitschrift für Katholische Théologie 32 (1908) 289-306, 471-487; M. Debièvre, *La définition du concile de Vienne sur l'âme ...*, Recherches de science religieuse 3 (1912) 321-344; B. Jansen, *Die Lehre Olivis über das Verhältnis von Leib und Seele*, Franziskanische Studien 5 (1918) 153-175, 233-258; id., *Quonam spectet definitio concilii Viennensis de anima*, Gregorianum 1 (1920) 78-90; Gratien de Paris, *Histoire de la fondation et de révolution de l'ordre des frères mineurs au XIII^e siècle*, Paris-Gembloux 1928, 470 ff.; J. Koch, *Die Verurteilung Olivis auf dem Konzil von Vienne und ihre Vorgeschichte*, Scholastik 5 (1930) 489-522; L. Jarraux, *Pierre-Jean Olivi, sa vie, sa doctrine*, Etudes franciscaines 45 (1933) 521-529; B. Jansen, *Die Seelenlehre Olivis und ihre Verurteilung auf dem Viennener Konzil*, Franziskanische Studien 21 (1934) 297-314; L. Amorôs, *Aegidii Romani Impugnatio doctrinae Petri Iohannis Olivis an. 1311-12 nunc primum in lucem edita (dissertur de mente concilii Viennensis in causa eiusdem P.L. Olivis)*, Archivum Franciscanum historicum 27 (1934) 399-451; Mulier 352-386; J. Koch, *Das Gutachten des Aegidius Romanus über die Lehren des Petrus Iohannis Olivis. Eine neue Quelle zum Konzil von Vienne (1311-1312)*, Scientia sacra. Theologische Festgabe ... Karl Joseph Kardinal Schulte, Cologne-Düsseldorf 1935, 142-168; E. Mulier, *Olivis und seine Lehre von der Seelenform auf dem Konzil von Vienne 1311/12*, Kirchengeschichtliche Studien P. M. Bihl als Ehrengabe dargeboten, Kolmar

[2]. Abbates aut alii religiosi, quibuslibet administrationibus praesidentes, occasione prioratum seu aliorum locorum subditorum eisdem nullum auctoritate sedis apostolicae litterarum vel legatorum ipsius quomodolibet valeant convenire, nisi ubi et coram quibus prioratum et locorum ipsorum prioribus aut aliis gubernatoribus hoc liceret. Nec occasione locorum ad mensas pertinentium eorundem aliud ipsis super hoc liceat, quam si loca ipsa sic praemissa speciales sub eis gubernatores haberent. Si quis autem aliquem contra haec vexare praesumpserit, in expensis sibi et interesse per iudicem, coram quo vexatio fiet huiusmodi, condemnatur, omnisque processus contra praemissa habitus sit irritus ipso iure.[¶]

[3]. Etsi principalis officialis episcopi aut religiosus conventualem obtinens prioratum, quamvis ad prioratum eundem prior non consueverit per electionem assumi, a sede apostolica vel legato eiusdem dari valeat delegatus; in officiali tamen foraneo aut religioso monasterii sui priore claustrali, nequaquam hoc volumus observari.^{2*}

[4]. Quia regulares praelati prioratus, ecclesias, administrationes aut quaevis alia beneficia, ad eorum dispositionem spectantia, cum vacant, interdum committere negligunt vel conferre infra tempus in Lateranensi concilio¹ constitutum, dioecesani locorum in non exemptis sua, in exemptis vero apostolica auctoritate negligentiam super hoc suppleant eorundem, prioratus, ecclesias, administrationes et beneficia huiusmodi, illa videlicet quae consueverunt per saeculares clericos gubernari, saecularibus clericis, alia vero quae religiosis dumtaxat committi sunt solita vel conferri, religiosis monasteriorum, quorum praelati huiusmodi negligentes fuerint, conferendo. Eadem quoque auctoritate dioecesani suffulti nullo modo permittant, quod iidem praelati prioratus, ecclesias, administrationes aut beneficia huiusmodi applicent mensis suis, pensionesve novas eis imponant aut veteres augeant, sive quae ipsis de novo impositae sive auctae solvantur. Praemissa vero de prioratibus, ecclesiis, administrationibus et beneficiis intelligimus, quae non sunt de mensa praelatorum ipsorum, sed speciales priores, administratores seu rectores consueverunt habere, licet priores seu administratores huiusmodi libere possint ad claustrum, cum oportuerit, revocari. In quibus etiam constitutionem Bonifacii papae VIII⁴ praedecessoris nostri, bona beneficiorum vacantium occupari a praelatis vel aliis prohibentem, ac nihilominus in prioratibus huiusmodi et ecclesiis illud Bonifacii eiusdem statutum⁵, quod religiosum quemcunque pluribus praeesse prohibet prioratibus aut ecclesiis curam animarum habentibus, etiamsi cura ipsa non per eum

di storia della Chiesa in Italia 5 (1951) 326-339; R. Manselli, *La „Lectura super Apocalipsim“ di Pietro di Giovanni Olivi*, Roma 1955; E. Bettoni, *Le dottrine filosofiche di Pier di Giovanni Olivi*, Milano 1959, 333-379; R. Manselli, *Spirituali e beggini in Provenza*, Roma 1959, 105-107 et passim.

¹ c. 112 in *Cient.* (Fr 2,1134); cf. Müller 624-626.

* c. 212 in *Clem.* (Fr 2,1134); cf. Müller 624-626.

² Cf. conc. Lat. III, c. 8 (v. supra p.215).

« Cf. c. 9 I 16 in *VP* (Fr 2,989). » Cf. c. 32 III 4 in *VP* (Fr 2,1030-1031).

[2], Abbots and other religious holding any major ecclesiastical office may not, when it is a question of priories or other places subject to them, bring an action against anyone on the authority of letters of the apostolic see or its legates, except in such places and before such persons as is permitted to the priors and other persons in charge of the priories and other places. Nor is anything else of this kind permissible in the case of places belonging to the table maintenance of these abbots and other religious, except when these places have special officials in charge of them. If anyone presumes to molest someone in contravention of the above, he is to be condemned by the judge of the case to pay the expenses and for any damage. Any process contrary to this decree is null and void.*

[3]. Although the chief official of a bishop, or a religious obtaining the office of conventual prior (even though that office is not customarily elective), may be delegated by the apostolic see or its legate, nevertheless we do not wish this to be observed in the cases of an official-forane or of a religious who is the claustral prior of his monastery.²

[4]. Since prelates of religious orders occasionally neglect to fill vacant priories, churches, offices or other benefices pertaining to their disposition within the time prescribed by the Lateran council³, the local diocesan bishops shall supply for this negligence by their own authority in the case of the non-exempt, and by apostolic authority in the case of the exempt. Those which have customarily been governed by the secular clergy shall be conferred on secular clerics, those which have usually been entrusted to or conferred on only religious shall be conferred on the religious of the monasteries whose prelates were negligent. The diocesan bishops, by the same authority, shall in no way permit the said prelates to apply such priories, churches, offices or benefices to their table maintenance, to impose new payments or to increase the old ones; any new ones imposed or old ones increased shall be paid back. By the said priories, churches, offices and benefices we mean those that are not for the table maintenance of their prelates and customarily have their own priors, administrators or rectors, even though these priors and administrators can be freely recalled, if necessary, to the cloister.

In this matter we have decided to uphold the constitution of our predecessor pope Boniface VIII⁴ which prohibits the property' of vacant benefices to be appropriated by prelates or anyone else, as well as that other constitution of the same Boniface⁵ which forbids any religious to have several priories or churches

1942, 96-113; A. Maier, *Per la storia del processo contra Olivi*, *Rivista di storia della Chiesa in Italia* 5 (1951) 326-339; R. Manselli, *La "Lectura super Apocalipsim" di Pietro di Giovanni Olivi*, Rome 1955; E. Bettoni, *Le dottrine filosofiche di Pier di Giovanni Olivi*, Milan 1959, 333-379; R. Manselli, *Spirituali e beghini in Provenza*, Rome 1959, 105-107 and passim.

¹ ch. 1 I 2 *Clementines* (Fr 2, 1134); see Müller 624-626.

² ch. 2 I 2 *Clementines* (Fr 2, 1134); see Müller 624-626.

³ See Lateran council III, canon 8 (see above p. 215).

⁴ See ch. 9 I 16 *Sext* (Fr 2, 989).

⁵ See ch. 32 III 4 *Sext* (Fr. 2, 1030-1031).

sed per alium habeat exerceri, locum sibi censuimus vendicare, licet etiam eisdem prioratibus cura non immineat supra dicta.¹

[5]. Ut ii, qui divinis in cathedralibus vel collegiatis saecularibus ecclesiis sunt mancipati officiis vel mancipabuntur in posterum, ad suscipiendos sacros ordines propensius inducantur, statuimus, ut nullus de cetero in huiusmodi ecclesiis vocem in capitulo habeat, etiamsi hoc sibi ab aliis libere concedatur, nisi saltem in subdiaconatus ordine fuerit constitutus. Illi vero, qui dignitates, personatus, officia vel praebendas, quibus certi ordines sunt annexi, pacifice nunc obtinent in eisdem ecclesiis vel obtinuerint in futurum, nisi, iusto impedimento cessante, ad huiusmodi ordines se promoveri fecerint infra annum, extunc, donec ad cos promoti fuerint, nullo modo vocem in capitulo habeant earundem. Ipsisque distributionum, quae dantur his, qui certis horis intersunt, pars dimidia subtrahatur, non obstantibus quibuslibet consuetudinibus vel statutis, poenis aliis, quae contra tales, promoveri ad ordines recusantes, statuuntur in iure, nihilominus in suo robore permansuris.²

[6]. Dispendiosam prorogationem litium, quam interdum ex subtili ordinis iudicarii observatione causarum docet experientia provenire, restringere in subscriptis casibus cupientes, statuimus, ut in causis super electionibus, postulationibus vel provisionibus aut super dignitatibus, personatibus, officiis, canonicatibus vel praebendis seu quibusvis beneficiis ecclesiasticis aut super decimis, ad quarum etiam praestationem possunt, qui tenentur ad eas, praemoniti censura ecclesiastica coerceri, nec non super matrimoniis vel usuris, et eas quoquo modo tangentibus, ventilandis, procedi valeat de cetero simpliciter et de plano ac sine strepitu iudicii et figura, volentes non solum ad futura negotia, sed ad praesentia, et adhuc etiam per appellationem pendentia hoc extendi.³

[7]. Quamvis sacris canonibus sit generaliter interdictum, ne quis episcopus iurisdictionem in dioecesi exerceat aliena, nos tamen episcopis qui, a suis sedibus protervia impiorum expulsi, non audent propter metum persequentium in suis civitatibus vel dioecesibus aut earum parte aliqua residere, nec iurisdictionem ad se spectantem per se vel per alium inibi exercere, ne iniuria, in eorum expulsionem ipsorum irrogata ecclesiis, hoc praetextu remaneat impunita, duximus indulgendum, ut in dioecesibus alienis, in civitatibus videlicet vel locis insignibus suis ecclesiis vicinioribus, in quibus poterunt secure morari et iurisdictionem suam libere exercere, possint contra suos expulsores et eorum in hac parte consiliarios et fautores (dummodo civitates vel loca huiusmodi eisdem expulsores, consiliariis et fautoribus sint secura, et ipsi personaliter vel ad domum, si hoc tute fieri valeat, alioquin publice in ecclesia cathedrali loci vel domicilii eorundem citati fuerint), libere procedere, prout iustitia suadebit. Si vero dicti episcopi ausi non fuerint huiusmodi suos expulsores vel eorum consiliarios aut fautores dicto modo citare, vel ipsi

¹ c. un. I 5 in *Clem.* (Fr 2,1139); cf. Müller 539-540.

² c. 21 6 m *Clem.* (Fr 2,1139-1140); cf. Müller 620-622.

³ c. 2 II 1 in *Clem.* (Fr 2,1143); cf. Müller 490-491, 626-628.

with the cure of souls, even though the cure is exercised by someone other than himself and there is no danger to souls for the priories.

5], So that those who are obliged to divine office in cathedrals or secular collegiate churches, or will be so obliged in the future, may be more readily moved to receive sacred orders, we decree that nobody henceforth may have in such churches a voice in the chapter, even though this is freely granted to him by the others, unless he has received at least the subdiaconate. Moreover, those who now hold peacefully dignities, parsonages, offices or prebends to which certain orders are annexed, or will hold them in future, shall have no voice in the chapter unless, having no just impediment, they receive the corresponding orders within a year. They shall receive only half the payment made to those who assist at certain hours, all customs and statutes to the contrary notwithstanding. The penalties, moreover, which are decreed by law against those refusing to be promoted to orders, are to remain in force.¹

[6]. We wish to check, in the cases mentioned below, the expensive prolongation of lawsuits which, as experience teaches us, arises sometimes from over-precise observance of judicial order. We therefore decree that in cases concerning elections, postulations, or provisions, concerning dignities, parsonages, offices, canonries, prebends or any other church benefices, concerning tithes, even when those obliged to pay them have been admonished and can be corrected by ecclesiastical censure, and concerning matrimony or usury and anything connected with it, that a simple, easy process shall be valid without the noise and rhetoric of a court of justice. We wish this decree to apply not only to future business but also to the present, and even to cases awaiting appeal.³

[7]. Although it is generally forbidden by the sacred canons for a bishop to exercise jurisdiction in a diocese other than his own, we nevertheless make an exception for bishops who have been driven from their sees by the insolence of the ungodly and do not dare, from fear of their persecutors, to reside in their cities and dioceses or in any part of them, nor to exercise their jurisdiction there directly or through others. Lest the wrong done to their churches by their expulsions remains unpunished, we have considered it necessary to permit that in other dioceses, from cities or other prominent places near their churches, where they will be able to reside securely and to exercise freely their jurisdiction, they may freely proceed against their expellers and their counsellors and supporters, as justice shall advise. (The cities and places must be such as are untroubled by these expellers and their counsellors and supporters. They are to be cited personally or to the bishop's house, if this can be done safely; if not, they are to be cited publicly in the cathedral church of the place or of their domicile.)

If however the bishops have not dared to cite their expellers or their counsellors or supporters in this way, or if these have maliciously frustrated their being

¹ ch. 1 I 5 *Clementines* (Fr 2, 1139); see Muller 539-540.

² ch. 2 I 6 *Clementines* (Fr 2, 1139-1140); see Müller 620-622.

³ ch. 2 II 1 *Clementines* (Fr 2, 1143); see Muller 490-491, 626-628.

malitiose impedimentum praestiterint, ne potuerint sic citari, licitum sit
eisdem episcopis, ut expulsores, consiliarios et fautores eosdem diebus
aliquibus dominicis vel festivis, cum populus convenerit ad divina, ut
sic facta citatio ad eos pervenire verisimilius praesumatur, citent vel
s citari faciant publice in ecclesiis civitatum vel locorum insignium prae-
dictorum, et procedant deinde contra ipsos, si citati taliter statuto ipsis
peremptorio termino competenti coram eisdem episcopis noluerint com-
patere, ac si citati legitime alias exstitissent. Eisdem etiam episcopis
indulgemus, ut inter suos subditos, ne ob defectum iustitiae dispen-
10 dium aliquod patiantur, possint in dioecesibus alienis, in quibus moram
traxerint, dummodo per se vel per alium hoc in suis propriis dioecesibus
facere non audeant vel non possint, iurisdictionem suam omnimodam
exercere, ita tamen quod subditi, qui expulsores vel. eorum fautores aut
consiliarii non fuerint, ultra duas diaetas a fine suae dioecesis non trahan-
15 tur. Volumus insuper, ut ante omnia a dioecesanis locorum, in quibus
moram traxerint, petant licentiam in praemissis, quam si obtinere nequi-
verint, procedant nihilominus, prout superius est expressum. Sane si
praedicti episcopi asseruerint, se non fuisse ausos praefatos expulsores,
consiliarios vel fautores personaliter vel ad domum aut publice, ut
20 praemittitur, in eorum ecclesia cathedrali citare, vel ipsos malitiose
praestitisse impedimentum, ne per eos potuerint sic citari, aut quod in
suis dioecesibus iurisdictionem per se vel per alium contra ipsos exer-
cere nequeunt vel non audent, stari super his volumus assertionibus
eorundem, ipsis districtius iniungentes sub interminatione divini iudicii,
25 ne circa praemissa contra conscientiam quicquam mendaciter aut dolose
asserant vel confingant. Eorundem autem episcoporum sententias et
processus, quos in praemissis casibus in aliis dioecesibus duxerint facien-
dos, denuncient seu denunciari faciant per suas dioeceses vicini epi-
scopi, cum ab eis fuerint requisiti. Per praemissa quoque nullum ex
30 transcurso temporis quancunque, vel alias quoquo modo locorum
dioecesanis vel aliis quibuscunque, iurisdictionem habentibus in locis
praemissis, in quibus praedicti episcopi sic expulsi iurisdictionem, ut
praedicatur, exercebunt, praeiudicium generetur.¹

[8] Dioecesanis locorum districte praecipimus, ut clericos carnificum
35 seu macellariorum aut tabernariorum officium publice et personaliter
exercentes, nominatim et tertio moneant, ut sic ab huiusmodi officiis
infra convenientem terminum, monentium ipsorum arbitrio moderan-
dum, desistant, et quod ipsa nullo unquam tempore réassumant. Qui si
taliter moniti ab his non destiterint aut ipsa, ut praemissum est, exercendo
40 resumpserint quancunque, coniugati omnino, non coniugati vero in
rebus, et si omnino incedant ut laici, in personis privilegium clericale,
quamdiu praemissis institerint, eo ipso amittant. Adversus vero alios
clericos, negotiationibus vel commerciis saecularibus vel officiis non
convenientibus clericali proposito publice insistentes, vel arma portantes,
45 sic canonica servare studeant instituta, quod et illi ab excessibus com-

¹ c. un. II 2 in *Clcm.* (Fr. 2,1144-1145); cf. Mulier 479-482.

cited, it is lawful for the bishops to cite the expellers, counsellors and supporters, or to have them cited, on Sundays and festivals when the people assemble for divine worship, so that the accused may be presumed in all probability to have learned of the citation. This shall take place publicly in the churches of the cities or other prominent places, and then the bishops shall proceed against their persecutors, if they refuse to appear in the bishops' presence within a suitable fixed time, just as if the citation had been made legally elsewhere. We grant also to those bishops, lest justice suffer, authority to exercise full jurisdiction over their subjects from the other dioceses in which they have to stay, provided that they cannot or dare not do this, either directly or through someone else, in their own dioceses. The subjects, however, excluding the expellers or their counsellors and supporters, should not have to travel more than two days' journey from the boundary of their diocese.

It is our will also that the bishops first seek permission from the diocesans of their places of exile; if they are not able to obtain this, they may nevertheless proceed as we have said. Of course if the said bishops have asserted that they did not dare to cite the expellers or their counsellors and supporters, personally or to the bishop's house, or publicly in their cathedral church, as has been said, or that they maliciously prevented the citation, or that the bishops cannot or dare not exercise jurisdiction in their dioceses either directly or through someone else against these persecutors, then we wish these assertions to be reliable, strictly enjoining the bishops, under threat of the divine judgment, that they do not assert or invent anything false or deceptive. The neighbouring bishops, when asked by the exiled bishops, should give notice or have notice given throughout their dioceses of the verdicts and the legal processes which the exiled bishops have judged necessary. No prejudice shall arise from the passage of time, or for any other reason, to the local ordinaries or to anyone else having jurisdiction in these places where the expelled bishops also exercise jurisdiction.'

[8] We strictly command local ordinaries to admonish by name three times clerics who publicly and personally engage in the butcher's trade or conduct taverns, that they cease to do so within a reasonable time to be fixed by the ordinary and never resume such trades. If after admonition they do not leave off or if they resume them at any time, then as long as they persist in the above ways of life those who are married shall automatically lose all clerical privileges, and those who are unmarried shall automatically lose their clerical privileges relating to things, and if the latter go about in every way as laymen they shall also lose automatically their personal privileges as clerics. As for other clerics who apply themselves publicly to secular commerce and trade or any occupation inconsistent w'ith the clerical state, or who carry arms, the ordinaries are to be diligent in observing the canons, so that these clerics may be restrained from such miscon-

¹ ch. 1 II 2 *Clementines* (Fr 2, 1144-1145); see Muller 479-482.

pescantur huiusmodi et ipsi de damnabili circa haec negligentia nequeant reprehendi.¹

[9] Quoniam qui abiectis vestibus, proprio congruentibus ordini, alias assumere et in publico portare rationabili causa cessante praesumit, professorum illius ordinis praerogativa se reddit indignum, praesenti constitutione sancimus, quod quicumque clericus virgata vel partita veste publice utetur, nisi causa rationabilis subsit, si beneficiatus exstiterit, per sex menses a perceptione fructuum beneficiorum, quae obtinet, sit eo ipso suspensus. Si vero beneficiatus non fuerit, in sacris tamen ordinibus citra sacerdotium constitutus, per idem tempus reddatur eo ipso inhabilis ad ecclesiasticum beneficium obtinendum. Idem quoque censemus de clericis aliis, vestem talem simul et tonsuram publice deferentibus clericalem. Dignitatem vero, personatum seu beneficium aliud obtinens, cui cura immineat animarum, nec non ceteri in sacerdotio constituti ac religiosi quilibet, quos oportet per decentiam habitus extrinseci morum intrinsecam honestatem ostendere, si praeterquam ex causa rationabili publice vestem ferant huiusmodi, aut infulam seu pileum lineum publice portent in capite, sint eo ipso *bénéficiât!* videlicet a perceptione fructuum beneficiorum, quae obtinent, suspensi per annum. Ceteri vero sacerdotes et religiosi quilibet per idem tempus reddantur inhabiles ad quodcunque beneficium ecclesiasticum obtinendum. Sed et tales et ceteri quicumque clerici, utentes epitogio seu tabardo foderato usque ad oram et ita brevi, quod vestis inferior notabiliter videatur, epitogium ipsum saeculares clerici et religiosi administrationem habentes teneantur infra mensem dare pauperibus. Ceteri vero religiosi, administrationem non habentes, infra idem tempus illud teneantur suis superioribus assignare in pios usus aliquos convertendum; alioquin *bénéficiât!* suspensionis, ceteri vero inhabilitatis poenas praedictas per idem tempus se noverint incurrisse. Huic insuper adicimus sanctioni, ut clerici, praesertim *bénéficiât!*, caligis scacatis, rubeis aut viridibus publice non utantur.²

[10] Dudum a Bonifacio papa VIII praedecessore nostro infra scripta edita decretali, Benedictus papa XI³ praedecessor noster aliam illius revocatoriam promulgavit, quae quia, ut probavit effectus, nedum pacis ab auctore ipsius speratae fructum non attulit, quin immo discordiae, pro qua sedanda processerat, fomentum non modicum ministravit, nos eam omnino cassantes, aliam a praefato Bonifacio editam sacro instante et approbante concilio innovamus, subicientes tenorem illius, qui dignoscitur esse talis⁴: „Bonifacius episcopus servus servorum Dei ad perpetuam rei memoriam. Super cathedram praeeminentiae pastoralis divina disponente clementia constituti, etsi multis et arduis, quae in amplum Romanae curiae alveum undique confluunt quasi torrens⁵, praegravemur negotiis, curis excitemur innumeris, cogitationibus plurimis distrahamur,

¹ c. 1 III 1 in *CUm.* (Fr 2,1157); cf. Müller 614-617.

¹ c. 2 III 1 in *Cient.* (Fr 2, 1157-1158); cf. Müller 614-617.

» Cf. c. 1 V 7 in *Extra*,. *comm.* (Fr 2,1296-1300), ed. 17 febr.1304.

⁴ Cf. c. 2 III 6 in *Extra*,. *cannt.* (Fr 2,1273\ ed. 18 febr. 1300. * Cf. Ir 47, 2.

duct and they themselves may not be guilty of reprehensible negligence.¹

[9]. Since he who abandons the dress proper to his order, and puts on other clothes and wears them in public, without a good reason, renders himself unworthy of the privileges of that order, we ordain by the present constitution that any cleric wearing striped or variegated clothes in public, without a good reason, is automatically suspended, if he is beneficed, from receiving the revenues of his benefices for a period of six months. If however he does not have a benefice but is in sacred orders below the priesthood, he becomes automatically disqualified for the same period from obtaining an ecclesiastical benefice. The same penalty applies to other clerics having the tonsure yet wearing such clothes in public. He who holds a dignity, a parsonage or another benefice to which the cure of souls is annexed, as also any other priests and religious, whose outward garb should reveal their inner integrity, who without reasonable cause wear such clothing in public, or appear thus with a woollen band or linen cap on their heads, are, if beneficed, automatically suspended for a year from receiving the revenues of their benefices. Such other priests and religious are also disqualified for the same period from obtaining any ecclesiastical benefices. These and any other clerics who wear a gown or tabard which is furred to the edge and so short that the lower garment is clearly seen, if they are secular clergy or religious with administrative posts, are obliged to give the gown to the poor within a month. The other religious who do not have administrative posts are obliged within the same period to consign the gown to their superiors, to be used for some pious purpose. If this is not done, the above penalties, of suspension in the case of the beneficed clergy and of disqualification in the case of the rest, are incurred for the above period of time. To this penalty we add that clerics, especially those with benefices, may not wear in public chequered, red or green boots.²

[10]. The following decretal, published a little while ago by our predecessor pope Boniface VIII, was revoked by our predecessor pope Benedict XI³. Since, as results have proved, the revocation did not bring with it the peace hoped for by its author, but rather stimulated the discord which it was designed to allay, we annul it altogether and renew, with the insistence and approval of the sacred council, the said decretal published by Boniface which runs as follows⁴⁵

“Boniface, bishop, servant of the servants of God, for an everlasting record. Having been placed by the divine clemency on the chair of pastoral pre-eminence, burdened though we are by the many arduous affairs which flow like a torrent³ from all directions into the Roman curia, summoned by many cares, distracted by many proposals, we nevertheless aim ardently and devote

¹ ch. 1 III 1 *Clementines* (Fr 2, 1157); see Müller 614-617.

² ch. 2 III 1 *Clementines* (Fr 2, 1157-1158); see Müller 614-617.

³ See ch. 1 V 7 in *Extrav. comm.* (Fr 2, 1296-1300), published 17 February 1304.

⁴ See ch. 2 III 6 in *Extrav. comm.* (Fr 2, 1273), published 18 February 1300.

⁵ See Jer 47, 2.

circa id tamen ferventibus votis intendimus, vacamus instantius, ac
operosae studium sollicitudinis impertimur, ut ad divini nominis gloriam,
exaltationem catholicae fidei, et profectum fidelium animarum, praecisis
radicitus dissidiorum vepribus et litigiorum anfractibus omnino sub-
5 ductis, inter ecclesiarum antistites ad curam et regimen gregis dominici
deputatos, ceterasque personas, quas ordo clericalis includit, pacis tran-
quillitas vigeat, fervor caritatis exaestuet, invalescat concordiae unitas,
animorum identitas perseveret. Scimus enim et ex evidentia facti colligi-
mus, quod non nisi in pacis tempore bene colitur pacis auctor, nec igno-
to ramus, quod dissensiones et scandala pravis actibus aditum praeparant,
rancores et odia suscitant, et illicitis moribus ausum praebent. Ab olim
siquidem inter praelatos et rectores seu sacerdotes ac clericos parochia-
lium ecclesiarum per diversas mundi provincias constitutos ex una parte,
et Praedicatorum et Minorum ordinum fratres ex altera, pacis aemulo,
is satore zizaniae procurante, gravis et periculosa discordia exstitit suscitata
super praedicationibus fidelium populis faciendis, eorum confessionibus
audiendis, poenitentiis iniungendis eisdem, et tumultandis defunctorum
corporibus, qui apud fratrum ipsorum ecclesias sive loca noscuntur
eligere sepulturam. Nos autem, pii patres more laudabili moleste ferentes
μ incommoda filiorum, reducentes ad exactae considerationis examen ac
infra pectoris claustra sollicite revolventes, quam sit plena periculis, quam
onusta dispendiis, quamque in divinae maiestatis conspectu reddatur
exosa discordia supra dicta, et propterea intendentes paternae sollicitu-
dinis studio illam prorsus evellere ac omnimode submovere, nullis
25 unquam futuris temporibus favente Domino suscitandam, grandi quoque
desiderio cupientes, ut huiusmodi negotium, quod potissime insidet
cordi nostro, finem salubrem et celerem per apostolicae solertiae studium
consequatur, diligenti cum fratribus nostris deliberatione praehabita
super eo, ad honorem Dei et exaltationem catholicae fidei, quietum sta-
30 tum partium praedictarum ac salutis animarum fidelium incrementum,
de ipsorum fratrum consilio auctoritate apostolica statuimus et ordina-
mus, ut dictorum ordinum fratres in ecclesiis et locis eorum ac in plateis
communibus libere valeant clero et populo praedicare ac proponere ver-
bum Dei, hora illa dumtaxat excepta, in qua locorum praelati praedicare
es voluerint, vel coram se facere solemniter praedicari, in qua praedicare
cessabunt, praeterquam si aliud de praelatorum ipsorum voluntate pro-
cesserit ac licentia speciali. In studiis autem generalibus, ubi sermones
ad clerum ex more fieri solent diebus illis, quibus praedicari solemniter
consuevit, ad funera etiam mortuorum, et in festis specialibus sive pecu-
40 liaribus eorundem fratrum, possunt iidem fratres et liceat eis libere prae-
dicare, nisi forte illa hora, qua solet ad clerum in praedictis locis Dei ver-
bum proponi, episcopus vel praelatus superior clerum ad se generaliter
convocaret, aut ex aliqua ratione vel causa urgente clerum ipsum duceret
congregandum. In ecclesiis autem parochialibus fratres illi nullatenus
<5 audeant vel debeant praedicare vel proponere verbum Dei, nisi fratres
praedicti a parochialibus sacerdotibus invitati fuerint vel vocati, et de
ipsorum beneplacito et assensu seu petita licentia fuerit et obtenta, nisi

ourselves with ever-active solicitude so that, to the glory of the divine name, the exaltation of the catholic faith and the profit of faithful souls, after the thorn-bushes of disagreement have been rooted out and the intricacies of quarrels removed, the tranquillity of peace may thrive with the ardour of charity, and unity of heart and mind may grow and persist, between the bishops charged with the care and rule of the Lord's flock and other persons in the clerical state. We know, and experience teaches us, that only in time of peace is the author of peace duly worshipped, nor are we ignorant that dissensions and scandals prepare the way to wicked acts, stir up rancour and hatred, and give boldness to evil living. For a long time past there has existed between prelates and rectors or priests and clerics of parish churches throughout the different provinces of the world on the one hand, and the friars Preacher and Minor on the other, grave and dangerous discord, produced by that enemy of peace, the sower of cockle, in the matters of preaching to the faithful, hearing their confessions, enjoining penances, and burying the dead who choose to be buried in the churches or lands of the friars.

“As an affectionate father rightly suffers with his children, we carefully considered and turned over in our mind the great danger and loss that such discord brings, and how detestable it is in the sight of the divine majesty. We therefore intend with all the energy of fatherly care to eradicate and remove it wholly, so that with the Lord's favour it may never revive in the future. We desire greatly that this business, so close to our heart, may be beneficially and speedily completed by apostolic sagacity. After careful deliberation with our brothers, we decree and ordain, with the advice of our brothers and by our apostolic authority, to the honour of God and the exaltation of the catholic faith, and for the peaceful condition of the aforesaid parties and the salvation of the souls of the faithful, that the friars of the said orders may freely preach and explain the word of God to the clergy and the people in their churches and other places as also in public places, except at that hour only when the local prelates wish to preach or have someone to give a special sermon in their presence; at this hour they shall not preach, except the prelates decide otherwise and give special permission. In institutes of general studies, where it is customary to give a special sermon to the clergy on certain days, at funerals, and on special feasts of the friars, they are at liberty to preach, unless perhaps during the hour when it is customary to preach to the clergy in the above places the bishop or a higher prelate should summon the clergy in general to his presence, or for some urgent reason should assemble them. In parish churches, however, the said friars may not preach or explain God's word, unless invited or called to do so by the priests of the parishes, and with their good will and assent, or having asked and

episcopus vel praelatus superior per eosdem fratrem praedicari mandaret. Statuimus etiam et ordinamus auctoritate praedicta, ut in singulis civitatibus et dioecesibus, in quibus loca fratrum ipsorum cōsistere dignoscuntur, vel in civitatibus et dioecesibus locis ipsis vicinis, in quibus loca huiusmodi non habentur, magistri, priores provinciales Praedicatorum aut eorum vicarii et generales, et provinciales ministri et custodes Minorum ordinum praedictorum, ad praesentiam praelatorum eorundem locorum se conferant per se vel per fratres, quos ad hoc idoneos fore putaverint, humiliter petituri, ut fratres, qui ad hoc electi fuerint, in eorum civitatibus et dioecesibus confessiones subditorum suorum confiteri sibi volentium audire libere valeant, et huiusmodi confitentibus, prout secundum Deum expedire cognoverint, poenitentias imponere salutare, atque eisdem absolutionis beneficium impendere de licentia, gratia et beneplacito eorundem. Ac deinde praefati magistri, priores, provinciales et ministri ordinum praedictorum eligere studeant personas sufficientes, idoneas, vita probatas, discretas, modestas atque peritas ad tam salubre ministerium et officium exsequendum, quas sic ab ipsis electas repraesentent vel faciant praesentari praelatis, ut de eorum licentia, gratia et beneplacito in civitatibus et dioecesibus eorundem huiusmodi personae sic electae confessiones confiteri sibi volentium audiant, imponant poenitentias salutare, et beneficium absolutionis in posterum impendant, prout superius est expressum, extra civitates et dioeceses, in quibus fuerint deputatae, per quas eas volumus et non per provincias deputari, confessiones nullatenus auditurae. Numerus autem personarum, assumendarum ad huiusmodi officium exercendum, esse debet, prout universitas cleri et populi ac multitudo vel paucitas exigit eorundem. Et si iidem praelati petitam licentiam confessionum huiusmodi audiendarum concesserint, illam praefati magistri, ministri et alii cum gratiarum recipiant actione, dictaeque personae sic electae commissum sibi officium exsequantur. Quodsi forte iam dicti praelati quemquam ex dictis fratribus, praesentatis eisdem, ad huiusmodi officium nollent habere vel non ducerent admittendum, eo amoto vel subtracto loco ipsius similiter eisdem praesentandus praelatis possit et debeat alius subrogari. Si vero iidem praelati praefatis fratribus, ad confessiones, ut praemittitur, audiendas electis, huiusmodi exhibere licentiam recusarint, nos exnunc ipsis, ut confessiones sibi confiteri volentium libere liciteque audire valeant et eisdem poenitentias imponere salutare, atque eisdem beneficium absolutionis impertiri, gratiose concedimus de plenitudine apostolicae potestatis. Per huiusmodi autem concessionem nequaquam intendimus personis seu fratribus ipsis, ad id taliter deputatis, potestatem in hoc impendere ampliorem, quam in eo curatis vel parochialibus sacerdotibus est a iure concessa, nisi forsitan eis ecclesiarum praelati uberiores in hac parte gratiam specialiter ducerent faciendam. Huiusmodi quoque statuto et ordinationibus nostris adicimus, ut fratres dictorum ordinum in ecclesiis vel locis suis ubilibet constitutis liberam, ut sequitur, habeant sepulturam, videlicet quod omnes ad eam recipere valeant, qui sepeliri elegerint in locis et ecclesiis memoratis. Verum ne parochiales ecclesiae

obtained permission, unless the bishop or higher prelate should through them commission a friar to preach.

“By the same authority we also decree and ordain that in each city and diocese in which the friars have houses, or in neighbouring cities and dioceses where they have no houses, the masters and priors provincial of the Preachers or their vicars, and the ministers general and provincial and the guardians of the Minors, should gather in the presence of the prelates of those places either personally or through friars whom they judge will be suitable delegates, and humbly request that friars chosen for the purpose may freely hear the confessions of those of the prelates’ subjects who wish to confess to them, may impose salutary penances as they shall think right in God’s eyes, and may grant absolution to them, with the leave, favour and good will of the prelates. The masters, priors, provincials and ministers of the orders are then to choose diligently sufficient persons who are suitable, of approved life, discreet, modest and skilled for such a salutary ministry and office. These they are to present or have presented to the prelates, that by their leave, favour and good will, they may hear the confessions of those wishing to confess to them in the prelates’ cities and dioceses, impose salutary penances and grant absolution, as has been said above. They are by no means to hear confessions outside the cities and dioceses for which they were appointed. We want them to be appointed for cities and dioceses, not for provinces. The number of persons to be chosen for this ministry ought to be in proportion to that which the number of clergy and people demands.

“If the prelates grant the permission requested for hearing confessions, the said masters, ministers and others shall receive it with thanks, and the persons chosen should carry out the duties entrusted to them. If the prelates do not accept one of the friars presented to them, another may and should be presented in his place. But if the prelates issue a general refusal to the friars chosen, we graciously grant, from the fullness of our apostolic power, that they may freely and lawfully hear the confessions of those wishing to confess to them and impose salutary penances, and then impart absolution. By this permission, however, we by no means intend to give more ample power to such friars than is granted by law to the parish clergy, unless perhaps the prelates of the churches think that such power should be given to them.

“To this decree and regulation of ours we add that the friars of the said orders may provide free burial everywhere in their churches and cemeteries, that is, they may receive for burial all who have chosen these places for their burial. Yet,

et ipsarum curati sive rectores, qui ministrare habent ecclesiastica sacramenta, quibus noscitur de iure competere, praedicare seu proponere verbum Dei, et confessiones audire fidelium, debitis et necessariis beneficiis defraudentur, cum operariis mercedis exhibitio debeatur¹, auctoritate apostolica constituimus et ordinamus eadem, ut dictorum ordinum fratres de obventionibus omnibus tam funeralibus quam quibuscunque et quomodocunque relictis, distincte vel indistincte, ad quoscunque certos vel determinatos usus, de quibus etiam quarta sive canonica portio dari sive exigi non consuevit vel non debet de iure, nec non de datis vel
 10 qualitercunque donatis in morte seu mortis articulo in infirmitate donantis vel dantis, de qua decesserit, quomodocunque directe vel indirecte fratribus ipsis vel aliis pro eisdem, quartam partem, quam auctoritate apostolica taxamus et etiam limitamus, parochialibus sacerdotibus et ecclesiarum rectoribus seu curatis largiri integre teneantur, facturi et
 15 curaturi, quod nec alii nec aliis, a quibus quarta huiusmodi minime deberetur, ad ipsorum fratrum utilitatem vel commodum huiusmodi fiant relictas, aut in eos taliter data vel donata procedant, seu quod in morte vel ab infirmis huiusmodi dandum vel donandum fratribus ipsis existeret, in eorundem dantium vel donantium sanitate sibi dari vel donari procurent. In quibus per ipsos vitandis eorum intendimus conscientias onerare, ut si, quod absit, per fratres ipsos dolo vel fraude quicquam in hac parte agi fortasse contigerit, praeter id quod eos propterea dictis sacerdotibus, rectoribus et curatis teneri volumus, etiam disticta ratio in extremi iudicii examine requiratur ab eis. Ultra portionem autem
 25 huiusmodi nihil valeant parochiales rectores, curati et praelati exigere supra dicti, neque illis dicti fratres amplius impendere sint adstricti, neque ad id a quoquam possint aliququaliter coerceri. Nos etenim, ut in cunctis aequaliter et pacifice favente Domino procedatur, universa privilegia, gratias, indulgentias, verbo seu scripto sub quacunque forma
 30 vel expressione seu conceptione verborum a nobis vel praedecessoribus nostris Romanis pontificibus cuicunque ordinum praedictorum concessa, nec non consuetudines, conventiones, statuta et pacta, in quantum sunt praemissis vel alicui praemissorum contraria, ea penitus revocamus, vacuumus, cassamus et irritamus, quin immo cassa, vacua et irrita nunciamus, et decernimus nullius prorsus exsistere firmitatis. Ceterum universos ecclesiarum praelatos, cuiuscunque praeeminendae, status vel dignitatis exsistant, ac sacerdotes parochiales et curatos sive rectores praedictos, praesentium tenore rogamus et hortamur attente nihilominusque eis districte praecipiendo mandamus, quatenus pro divina et apostolicae sedis reverenda praedictos ordines et professores eorum habentes
 40 affectu benevolo commendatos, fratribus ipsis non se difficiles, graves, dueros aut asperos, sed potius favorabiles, propirios ac benignos piaque munificentia liberales se studeant exhibere, sic eos in praedicationis officio et propositionibus verbi Dei ac in omnibus aliis supra dictis tanquam cooperatores eorum idoneos et laborum suorum participes prompta
 45

¹ Cf. Lc 10,7; 1 Tm 5,18.

lest parish churches and their clergy, whose office it is to administer the sacraments and to whom it belongs by law to preach God's word and to hear the confessions of the faithful, should be denied their due and necessary benefits, since the labourer deserves his wages', we decree and ordain by the same apostolic authority, that the friars are obliged to give the parish clergy a fourth part of all the income from funerals and from everything left to them, expressly or not, for whatever definite purpose, even from such bequests of which a fourth or canonical part is not claimed by custom or by law, and also a fourth part of bequests made at the death or at the point of death of the giver, whether directly or through a third party. We set and also limit this amount to the fourth part by our apostolic authority. The friars are to see to it that bequests are not left to others from whom this fourth part is not owed, to the advantage or interest of the friars themselves, nor go in this way as gifts to these others; and that they do not arrange for that which would be given at death or in illness to the friars, to be given to themselves while the donors are healthy. We intend to prevent anything of this kind by binding the friars' consciences, so that if, which God forbid, any deceit or fraud has been practised by the friars themselves, contrary to their obligation to the said priests, rectors and pastors, a strict account will be demanded at the last judgment. The rectors of parishes, pastors and prelates may not, however, exact more than this portion, nor are the friars obliged to pay more, nor may they be compelled by anyone to do so.

"In order that everything may go forward evenly and peacefully with the Lord's favour, we revoke, void, annul and invalidate completely all the privileges, favours and induits granted orally or in writing, in any form or expression of words, by ourself or our predecessors as Roman pontiffs to any of the said orders, and also customs, agreements and contracts, in so far as these are contrary to the above provisions or any one of them. We declare all such privileges to be null and void. Furthermore, by this present decree, we earnestly ask and exhort, indeed we strictly command, all prelates of churches, of whatever pre-eminence, status or dignity, and the parish priests, pastors and rectors, out of their reverence for God and the apostolic see, to show friendliness to these orders and their members, not being difficult, severe, hard or austere to the friars, but rather gracious, favourable and kind, showing them a spirit of holy generosity. They should accept the friars as suitable fellow-workers in the office of preaching and explaining God's word and in everything else mentioned

¹ See Lk 10, 7; 1 Tm 5, 18.

benignitate recipiaht ac affectuose admittere non omittant, ut proinde illis aeternae beatitudinis praemium augeatur et animarum salutis incrementa felicia procurentur¹. Nec ipsos lateat, quod si secus ab eis agi fortasse contigerit in hac parte, apostolicae sedis benignitas, quae ordines et professores eisdem ubere favore prosequitur et gerit in visceribus caritatis, contra eos non immerito turbaretur, nec eadem aequanimiter pati posset, quin super hoc provisionis opportuna remedium adhiberet, ipsosque nihilominus coelestis indignatio principis digna pro meritis rependentis, cuius obsequia fratrum ipsorum sedulitas curiosa prosequitur, minime praeteriret. “* 10

[11]. Religiosi quicunque, qui novalium aut alias decimas ecclesiis debitas, ad eos ex aliqua causa legitima non spectantes, appropriate sibi praesumpserint aut exquisitis fraudibus sive coloribus usurpare, seu qui de animalibus familiarium et pastorum suorum, vel aliorum etiam animalia ipsa eorum gregibus immiscentium, seu qui de animalibus, quae in fraudem ecclesiarum in pluribus locis emunt emptaque tradunt venditoribus vel aliis ab ipsis tenenda, seu qui de terris, quas tradunt aliis excolendas, decimam solvi ecclesiis non permiserint aut prohibuerint, nisi post requisitionem per eos, quorum intererit, super hoc eis factam, a praemissis destiterint infra mensem, aut si de iis, quae contra praemissa 20 usurpare vel retinere praesumpserint, infra duos menses damnificatis ecclesiis emendam non fecerint competentem, sint et tamdiu maneat ab officiis, administrationibus et beneficiis suis suspensi, donec destiterint et satisfecerint, ut superius est expressum. Quodsi religiosi huiusmodi administrationes vel beneficia non habeant, eo casu, quo alii supra 25 dicti suspensionis, ipsi sententiam excommunicationis incurrant, ante satisfactionem condignam nullatenus absolvendi, privilegiis non obstantibus quibuscunque. Ceterum praemissa extendi nolumus ad animalia, quae per religiosorum ipsorum donatos seu oblatos tenentur, dum tamen illi religiosi eisdem cum effectu donaverint aut obtulerint se et 30 sua.³

[12]. Si beneficiorum decima cuiusvis simpliciter concedatur ad tempus, secundum taxationem decimae, in illis partibus, in quibus fiet concessio, consuetam, et ad monetam currentem communiter ipsa decima 35 levare poterit et debebit. Nec per collectores, levatores sive exactores ipsius decimae, ecclesiarum calices, libros et alia ornamenta, divinis officiis deputata, ex causa pignoris vel distractionis capi vel recipi volumus, nec distrahi seu quomodolibet occupari.⁴

¹ Cf. 2 Cor 9,10.

* c. 2 III 7 in *Clm.* (Fr 2, 1161-1164); cf. inter alios B. Mathis, *Die Privilegien des Frantftkanerorden: bit rty m Korv^lton Vienne (1311)*, Paderborn 1927 (Diss.), 90, 112-114; Gratien de Paris, *Histoire de la fondation et de l'évolution de l'ordre des frères mineurs au XIII^e siècle*, Paris-Gembloux 1928, 475-481; Müller 547-550; H. Lippens, *Le droit nouveau des mendiants: en conflit avec le droit coutumier du clergé séculier du concile de Vienne à celui de Trente*, Archivum Franciscanum historicum 47 (1954) 241-253.

» c. 1 III 8 in *Clem.* (Fr 2, 1164-1165); cf. Müller 540-541.

« c. 2 III 8 in *Clem.* (Fr 2, 1165).

above, admitting them with ready kindness and affection to a share in their labours, so as to increase their reward of eternal happiness and the fruitful harvest of souls¹. Nor let them be unaware that if perhaps they act otherwise, the kindness of the apostolic see, which honours these orders and their members with great favour and holds them in its heart, will with good reason be roused against them, nor can it tolerate with good will such behaviour without applying a suitable remedy. The indignation, moreover, of the heavenly king, the just rewarder, whom the friars serve with all earnestness, will not be lacking.”²

[11], There are religious who presume to usurp by cunning fraud, or under a feigned title, tithes on newly tilled land or other tithes owing to churches, to which they have no legal claim ; or who do not permit or even forbid tithes to be paid to the churches on animals belonging to their familiars and shepherds or others whose animals intermingle with their flocks, or on animals which they buy in many places and then hand over to the keeping of sellers or others, thus defrauding the churches, or on land the cultivation of which they have entrusted to others. If such religious, after claim has been made by those whom it concerns, do not desist within a month from the above practices, or if they do not make fitting satisfaction to the defrauded churches within two months, they are and remain suspended from their offices, administrative posts and benefices until they have desisted and made satisfaction, as stated above. If these religious have no administrative posts or benefices, they incur, in place of suspension, the sentence of excommunication, from which they cannot receive absolution before making due satisfaction, notwithstanding privileges to the contrary. We do not wish, however, this decree to apply where animals are held by oblates of the religious, provided that these oblates have given themselves and their possessions to the religious.³

[12]. If a tithe on the benefices of anyone be granted for a time, the tithe can and should be raised in accordance with the customary valuing of the tithe in the regions in which the grant is made, and in the money generally current. We do not wish the chalices of churches, books and other equipment destined for divine worship to be taken or received as security or distraint by the collectors, raisers or exactors of the tithe, nor are such objects to be distrained or seized in any way.⁴

¹ See 2 Cor 9, 10.

² ch. 2 III 7 *Clementines* (Fr 2, 1161-1164); see among others B. Mathis, *Die Privilegien des Franziskanerordens bis zum Konzil von Vienne (1311)*, Paderborn 1927 (Dissertation), 90, 112-114; Gratien de Paris, *Histoire de la fondation et de l'évolution de l'ordre des frères mineurs au XIII^e siècle*, Paris—Gembloux 1928, 475-481; Müller 547-550; H. Lippens, *Le droit nouveau des mendiants en conflit avec le droit coutumier du clergé séculier du concile de Vienne à celui de Trente*, Archivum Franciscanum historicum 47 (1954) 241-253.

⁵ ch. 1 III 8 *Clementines* (Fr 2, 1164-1165); see Müller 540-541.

⁴ ch. 2 III 8 *Clementines* (Fr 2, 1165).

[13] Ut professores cuiusvis paupertatis ordinis eo libentius in qua vocati sunt vocatione persistere, transeuntesque ad non mendicantium ordinem in eodem conservari quietius studeant, quo in ipsis discordiarum et schismatum productiva ambitio reprimetur, sacro concilio approbante statuimus, mendicantes quoslibet, qui ad non mendicantium ordines etiam auctoritate apostolica transibunt in posterum quive hactenus transiverunt, quamvis nunc prioratus, administrationes vel officia aut curam animarum vel regimen quodcunque obtineant inibi, vocem aut locum in capitulo non habere, etiamsi hoc sibi ab aliis libere concedatur, ad prioratus quoque, administrationes aut quaecunque in antea non assumi officia, etiam tanquam vicarios seu ministros vel locum aliorum tenentes, quodque animarum curam et regimen nec pro se possint nec pro aliis exercere. Quicquid autem in contrarium attentatum fuerit, sit irritum ipso iure, quovis privilegio non obstante. Ad illorum autem mendicantium ordines, quos apostolica sedes eo modo subsistere voluit, ut eorum professoribus ita in illa remanere liceret, quod nullum extunc admitterent ad professionem eorum, quibusque concessit licentiam generalem ad approbatos alios ordines transeundi, praesentem nolumus constitutionem extendi.¹

[14]. Ne in agro dominico, sacra videlicet monachorum nigrorum religione, indecorum aliquid obrepat aut vitiosum quicquam perniciose in segetem coalescat, sed ut in illa potius *flores bonoris et honestati*^A fructus in ubertate succrescant, eis in vestibibus inordinatum omnem seu exquisitum ornatum aut cultum nec non in cibis et potibus, equitaturis et lectisterniis quemvis notabilem interdicentes excessum, statuimus ut superior vestis ipsorum habitui proxima nigri, brunni aut albi coloris exsistat iuxta morem, apud eos servari solitum in regione, qua degunt. Nec in qualitate panni regularis excedatur modestia nec quaeratur quod pretiosius et subtilius, sed quod utilius valet inveniri. Sit etiam vestis ipsa rotunda per circuitum et non scissa, nec longitudine nimia aut brevitate notanda, largas etiam manicas habeat usque ad pugnum protensas, non consutitias vel quomodolibet botonatas. Almutiis de panno nigro vel pellibus caputiorum loco cum caputiis habitus, quem gestaverint, sint contenti, iuxta tamen dispositionem abbatis scissis super humeros et honestis caputiis uti possint. In vestibibus sendatum pro foderaturis non portent. Estivalibus largis aut botis altis pro calceamentis utantur. Nullus zonam, cultellum, calcaria cum ornatu deferre, aut cum sella clavorum ornatu decorata superfluo vel nimis alias sumptuosa, sive cum freno ferraturam ad ornatum habente equitare praesumant. Rursus in locis, in quibus fuerit congregatio duodecim monachorum aut supra, infra septa monasterii abbas, prior aut alius praesidens portet florem de panno pro flocis aut cucullis in ipso monasterio consueto, monachi vero alii in monasteriis, in quibus flocos soliti sunt portare, debent etiam uti eis. In aliis autem monasteriis et infra domos et alios prioratus, ubi non est tanta congregatio monachorum, cucullas clausas deferant et honestas. Cum

» c. 1 III 9 in *Clem.* (Fr 2,1165); cf. Millier 573. ' Edi 24, 23.

[13]. In order that those who profess poverty in any order may persevere more readily in the vocation to which they have been called, and that those who have gone over to a non-mendicant order may apply themselves to live there more peacefully the more the ambition which produces discord and division is checked, we decree, with the approval of the sacred council, that any mendicants, who even with apostolic authority shall go over to non-mendicant orders in the future or have hitherto done so, even though they now hold the office of prior or obedientiary or other offices, or have any care or government of souls in the non-mendicant order, shall have no voice or place in the chapter, even though this be granted freely to them by the others. They may not continue to hold the office of prior or obedientiary or other offices previously held, even as vicar or minister or deputy, nor may they have the care or government of souls either directly or on behalf of others. All actions contrary to this decree shall be automatically null and void, notwithstanding any privilege whatsoever. We do not however wish this constitution to extend to those mendicant orders which the apostolic see has allowed to continue on condition that they admit no more persons to profession, and to which it has granted a general permission for passing to other approved orders.²

[14]. That nothing unbecoming or corrupt find its way into that field of the Lord, namely the sacred order of the black monks, or anything grow into a ruinous crop, but rather that the *flowers of honour and integrity* may there produce much fruit, we decree as follows.

We forbid the monks all excess or irregularity with regard to clothes, food, drink, bedding and horses. We decree that the upper garment next to their habit should be black, brown or white, according to the custom of the region in which they live. The quality of the cloth should not exceed monastic moderation, nor should they seek what is expensive and fine, but what is practical. The garment itself should be round and not slit, neither too long nor too short; it should have broad sleeves extending to the hands, not sewn or buttoned in any way. The monks should be content with an almuce of black cloth or fur in place of a hood, together with the hood of the habit which they wear, or by arrangement of the abbot they may wear unpretentious hoods which are open over the shoulders. They should not wear silk in place of fur. They may use large summer shoes or high boots for their footwear. None shall presume to wear an ornate belt, knife or spurs, or ride a horse with the saddle highly ornamented with nails or sumptuous in any other way, or with a decorative iron bridle.

In communities in which there are twelve monks or more, the abbot, prior or other superior may wear within the monastery walls a frock of the cloth customarily used for the frocks and cowls of the monastery; other monks in monasteries where frocks are customarily worn should use them also. In other monasteries, however, and in houses and priories where there is a smaller community, they should wear cowls which are closed and of becoming appear-

¹ ch. 1 III 9 *Clementines* (Fr 2» 1165); see Muller 573.

² Eccli 24, 23.

vero abbates, priores aut alios praesidentes et monachos alios extra
 monasterium proficisci continget, flocum, cucullam aut capam clausam
 habeant, et subtus capam, si eam portaverint, cucullam deferant aut, si
 maluerint, scapulare. Cum autem ad serviendum in divinis officiis albis
 vel sacris vestibus induentur aut cum occupabuntur in operibus, uti 5
 eis liceat scapulari. Verum ne ex diversa acceptione quam in diversis
 regionibus huiusmodi vocabula, flocus videlicet et cuculla, dicuntur
 habere, haesitandi circa praemissa materia relinquatur, cucullae nomine
 habitum longum et amplum, sed manicas non habentem, nomine vero
 floci habitum, qui longas et amplas habet manicas, nos intelligere decla- 10
 ramus. Sane singulis mensibus tam in monasteriis quam extra sublata
 occasione quacunque ad confessionem saltem semel accedant omnes et
 singuli monachi, et in prima dominica mensis cuiuslibet in monasteriis
 semper communicent, nisi ex causa forte quam abbati, priori aut poeni-
 tentiariis monasteriorum non differant intimare, eorumque iudicio vel is
 abstineant vel accedant. Regula quoque cum in capitulo legitur, ab
 illo qui praest ipse capitulo, vel alio cui hoc ipse iniunxerit, propter
 iuniores vulgariter exponatur. Noviriis etiam fidelis deputetur instructor
 tam in divinis officiis quam in observantia regulari. Porro a venationibus
 et aucupationibus omnes semper abstineant, nec eis interesse, aut canes 20
 vel aves venaticos per se vel alios tenere praesumant, nec a familiaribus
 secum morantibus teneri permittant, nisi saltus, vivaria vel garenas pro-
 prias vel ius venandi in alienis haberent, in quibus cuniculi vel ferae aliae
 forsitan essent, quo casu hoc eis permittitur, dum tamen infra monasteria
 seu domos, quas inhabitant, aut eorum clausuras venaticos canes non 25
 teneant nec venationi praesentiam exhibeant personalem. Si quis autem
 praemissorum temerarius exstiterit violator, regulari subiaceat disciplinae,
 et nihilominus, si sotulares non corrigiatis et altos aut caputia, ut prae-
 fertur, non fissa portare praesumpserit, siquidem abbas vel prior, non
 habens abbatem proprium, fuerit, per annum se noverit a beneficiorum 30
 collatione suspensum; si vero alius fuerit, ab administratione, si quam
 obtinet, sit per annum suspensus. Quod si nullam habeat, eo ipso per
 annum reddatur inhabilis ad administrationem et ecclesiasticum bene-
 ficium obtinendum. Si qui vero eorum venationi aut aucupationi clamose,
 vel alias cum canibus aut avibus ex proposito interfuerint, iuxta prae- 35
 missam personarum distinctionem dictarum suspensionis et inhabilitatis
 poenas per biennium ipso facto incurrant. Abbate autem vel priore a
 collatione, ut praemittitur, beneficiorum suspenso, ad priorem claustra-
 lem cum consilio et assensu conventus vel maioris partis ipsius eorundem
 beneficiorum collatio devolvatur. Quia vero nonnulli monachorum to
 ipsorum, sicut accepimus, suavi iugol observantiae regularis abiecto,
 interdum, propriis relictis monasteriis, se in eis secure morari non posse
 fingentes, vel alio colore quaesito, per curias principum evagando discur-
 runt et, nisi a praelatis eorum petita pensio vel subventio assignetur
 eisdem, conspirantes in illos, eisque prodicionem vel alia gravia imponen- 45

ance. When the abbots, priors or other superiors and other monks set foot outside the monastery, they should wear a frock or a cowl or a closed cloak; if they wear the cloak, they should wear underneath it a cowl or, if they prefer, a scapular. When they put on albs or sacred vestments in order to minister at the divine offices, or when they are engaged in work, they may wear the scapular. Lest any uncertainty arises from the different meanings in different regions of the world of the words cowl and frock, we declare that by cowl we understand a long and full habit without sleeves, and by frock we understand a habit with long full sleeves.

At least once every month, both inside and outside the monastery, each and all of the monks must go to confession, and on the first Sunday of each month they should receive communion in the monastery, except for some reason which they should make known to the abbot, prior or confessor in the monastery; they should abide by his decision. When the rule is read in chapter, it is to be explained in the vernacular by him who presides, or by someone else appointed by him, for the sake of the younger monks. The novices shall have a competent instructor in the divine offices and in regular observance.

All shall always abstain from hunting and fowling. They shall not be present at them, nor presume to have hunting-dogs or birds of prey in their keeping or in that of others, nor permit familiars living with them to keep them, unless the monastery has woods, game preserves or warrens, or has the right to hunt on property belonging to others, in which there might be rabbits or other wild animals. They are then permitted to keep such dogs and birds, as long as they do not keep the hunting-dogs in the monastery or the houses in which they live or within the cloister, and the monks themselves do not appear at the hunt.

If someone rashly violates the above regulations, he shall be subject to the regular discipline. If he presumes to wear unlaced high shoes, or a hood not open as aforesaid, he is also suspended from conferring benefices for a year, if he is an abbot or a prior who does not have an abbot above him; if anyone else, he is suspended for a year from administrative office, if he holds any. If he has no administrative office, he is automatically disqualified for a year from holding such office or an ecclesiastical benefice. If any are deliberately present at rowdy hunting or fowling or occupied in other ways with dogs and birds, they incur automatic suspension and disqualification, according to the above distinction of persons, for two years. If the abbot or prior has been suspended from conferring benefices, this devolves, with the counsel and assent of the community or its greater part, on the claustral prior.

Some monks, as we hear, throw off the sweet yoke of regular observance and leave their monasteries, feigning that they cannot securely remain there, or under some other pretext, to wander about the courts of princes. Unless these monks' superiors grant them the pension or subsidy which they ask for, the monks conspire against their superiors, betray them or otherwise oppress them.

¹ See Mt 11, 30.

tes, eos capi et incarcerationi ipsorumque monasteria comburi procurant, et interdum monasteriorum ipsorum bona in totum vel in partem non modicam occupare praesumunt, nos eorum in hac parte reprobis ausibus obviare volentes, hoc edicto perpetuo prohibemus, ne monachi aut
s regulares canonici, administrationem aliquam non habentes, ad curias principum absque speciali praelatorum suorum licentia se conferre praesumant. Quod si, ut suis praelatis aut monasteriis damnum aliquod inferant, ad dictas curias se conferre praesumpserint, excommunicationis
io sententiam eos incurrere volumus ipso facto, praelatis eorum districte nihilominus iniungentes, ut ipsos a praedictarum curiarum accessu, et aliis quibuslibet vagationibus et discursu diligenter compescere, ac super hoc non parentes eisdem severe corrigere non omittant. Praefatae quoque
sententiae monachos infra septa monasteriorum sine licentia abbatum suorum arma tenentes decernimus subiacere. Ad haec, praedecessorum
is nostrorum vestigiis inhaerentes¹, perpetuo prohibemus edicto, ne monachi singuli in singulis sibi commissis administrationibus vel prioratibus habitare praesumant. Sed si proventus prioratuum seu administrationum huiusmodi duobus forte non suppetant, iidem prioratus seu administrationes, nisi per abbates ad sustentationem duorum sufficientes reddantur,
20 tur, locis aliis vicinioribus ad eorum monasteria pertinentibus vel ipsorum monasteriorum officiis aut inter se invicem, prout erit commodius, cum consilio et assensu abbatum per locorum ipsorum ordinarios uniantur, monachis locorum, quae aliis unientur prioribus, ad claustrum primitus revocandis, et clericis servituris ibidem, de locorum ipsorum proventibus
as provisione debita facienda. Ceterum prioratus conventuales alicui, nisi vigesimum quintum annum attigerit, alii vero curam animarum habentes, etsi cura ipsa per saeculares habeat presbyteros exerceri, cuiquam, nisi vigesimum annum peregerit, conferri nequeant aut committi. Qui autem prioratus istos vel illos habuerint, infra annum, computandum a tempore collationis seu commissionis sibi factae de eis, et possessionis eorum adeptae, vel
30 infra vigesimum quintum aetatis suae annum, si ante annum ipsum non conventuales prioratus eis commissi fuerint aut collati, se faciant ad sacerdotium promoveri. Quod si cessante rationabili causa non fecerint, eo ipso, nulla etiam monitione praemissa, praedictis prioratibus sint privati, qui ipsis iterum ea vice nullatenus conferantur. Sane prioratus aliquis sive
35 administratio committi alicui vel conferri non possit, nisi expresse professus fuerit ordinem monachalem, neque prioratus aut administrationes extra monasteria obtinentes permittantur in monasteriis, sed teneantur in ipsis prioratibus seu administrationibus quacunque non obstante
40 consuetudine residere, nisi ex studiorum vel alia causa rationabili ad tempus forte ab huiusmodi residentia excusentur. Ad ampliationem autem cultus divini statuimus, quod monachi quilibet ad monitionem abbatis se faciant ad omnes ordines sacros excusatione cessante legitima promoveri. Rursus ut ipsis monachis proficiendi in scientia via opportuna non
45 desit, in singulis ipsorum monasteriis, quibus ad hoc suppetunt facultates,

¹ Cf. inter alia conc. Lat. III, c. 10 (v. supra p. 217).

bring about their capture and imprisonment, have their own monasteries burned, and occasionally even presume to seize in whole or in great part the property of the monastery. We wish to counter such unprincipled audacity. We forbid, by this perpetual edict, that monks and canons regular who are not administrators should presume, without special leave of their superiors, to betake themselves to the courts of princes. If, in order to do harm to their superiors or monasteries, they presume to go to such courts, we determine that they incur automatic excommunication. We nevertheless strictly enjoin on their superiors to restrain them with all diligence from visiting the said courts and from any wandering about; they are to correct severely those who do not obey. We decree that monks who keep arms inside their monastery, without leave of their abbot, incur the same sentence.

Following in the footsteps of our predecessors¹, we forbid by a perpetual edict that monks presume to live alone in houses and priories of which they have charge. If the incomes of such priories and houses do not suffice for the support of two, then, unless the abbots make them sufficient, let the local ordinaries, with the advice and consent of the abbots, unite these houses and priories with neighbouring places belonging to the monasteries, or with offices of the monasteries, or with one another, as will be most convenient. The monks of the places which will be united to others are first to be recalled to their monastery, and due provision is to be made, from the incomes of the said places, for the clergy who are to serve there.

Furthermore, conventual priories cannot be conferred or entrusted to anyone under twenty-five, and non-conventual priories having the care of souls, even if that care is exercised by secular priests, to anyone under twenty. Those who hold priories of either kind are to have themselves ordained priest within a year from the time of their collation or commission and taking possession, or before the age of twenty-five if they are entrusted with or collated to non-conventual priories when they are under that age. If they have not done this, and are without reasonable excuse, they are deprived of the said priories, even without previous admonition, and the priories may not be conferred on them again that time. Nobody may be given or entrusted with a priory or an administrative post unless he has previously made profession in a monastic order. Those appointed to priories or administrative posts outside the monastery are not permitted to remain in the monastery and are obliged to reside where they hold office, notwithstanding any contrary custom, unless they are excused for a time from this residence for some reasonable cause, such as studies. In order to promote divine worship, we decree that every monk, at the command of his abbot, should have himself raised to all the sacred orders, unless there is some lawful excuse. Further, in order that the monks may not be deprived of the opportunity to make progress in knowledge, there should be in each monastery which has

¹ See among others, Lateran council III, canon 10 (see above p. 217).

idoneus teneatur magister, qui eos in primitivis scientiis instruat diligenter. Praemissa igitur omnia et ea nihilominus, quae felicis recordationis Innocentius papa IIP praedecessor noster circa statum monachorum ipsorum pro uberiori cultu observantiae regularis quoad usum camisiarum, abdicationem proprietatis, silentium et esum carniū, ac de eorum capitulis de triennio in triennium celebrandis, et etiam quoad quaelibet alia statuit, quae omnia innovamus et approbamus, expresse volumus et statuimus firmiter observari.²

[15]. Attendentes quod, ubi gubernaculum disciplinae contemnitur, restat, ut religio naufragetur, providendum censuimus esse praecipue, i. ne per contemptum huiusmodi in his, quae se Christo voto celebri desponderunt, quicquam reperiatur incongruum, quod in regularis ponat honestatis gloria macula^{Tn}, et divinam merito possit offendere maiestatem. Hoc igitur sacro approbante concilio duximus statuendum, ut singula monialium monasteria per ordinarios, exempta videlicet, quae ita sedi is apostolicae quod nulli alii subiecta noscuntur, apostolica, non exempta vero ordinaria auctoritate, ac exempta alia per alios, quibus subsunt, annis singulis debeant visitari. Visitatores autem huiusmodi sollicitudinis studium diligenter impendant, ut moniales ipsae, quarum nonnullas dolentes audivimus in subscriptis excedere, pannis sericis, variorum 20 foderaturis, sandalitiis, comatis et cornutis crinibus, scacatis et virgatis caputiolis non utantur, non choreas, non festa saecularium prosequantur, non die noctuve per vicos et plateas incedant, aut voluptuosam alias vitam ducant, easque sollertius retrahant ab insolentiis quibuslibet et mundi huius illecebris, ac inducant easdem ad impendendum in monaste- 25 riis suis devotum et debitum virtutum Domino famulatum. Ad quae omnia observanda moniales easdem, non obstantibus exemptionibus et privilegiis quibuscunque, quibus tamen quoad alia nolumus praeiudicium generari, per illos, de quibus supra dictum est, compelli iubemus remediis opportunis. Statuimus insuper, ut quaevis ad regimen abbatiarum 30 assumptae, in monasteriis in quibus abbatissae sunt solitae benedici, infra annum a suae confirmationis tempore computandum munus benedictionis suscipiant, alioquin a iure suo, nisi subsit causa rationabilis, prorsus se noverint cecidisse, per illos ad quos id pertinet, provisione de abbatissis monasteriis ipsis canonice facienda. Illas quoque mulieres 35 quae vulgo dicuntur canonicae saeculares et, ut saeculares canonici, vitam ducunt, non renunciantes proprio nec professionem aliquam facientes, per locorum ordinarios, si exemptae non fuerint, sua, si vero exemptae fuerint, apostolica auctoritate praecipimus visitari, per hoc tamen non intendentes earum statum, regulam seu ordinem approbare. 40 Ipsos autem visitatores notariis duobus et personis duabus suae ecclesiae quatuorque viris aliis honestis utique et maturis praecipimus in ea, quam visitando facient, inquisitione fore contentos. Si qui vero visitatores

¹ Cf. conc. Lac. IV, c. 12 (v. supra pp. 240-241); Potthast 1329, 1734 (c. 5, 6 X. III 35; Fr2, 598-599, 599-600).

² c. 1 III10 in *Clm.* (Fr 2, 1166-1168); cf. Muller 564-567, 569-573.

sufficient means a suitable master to instruct them carefully in the primary branches of knowledge.

All the foregoing, and those things which our predecessor pope Innocent III* of happy memory decreed for greater religious observance in the monastic state, regarding clothing, poverty, silence, the eating of meat, the triennial chapter, and anything else, we approve, renew' and expressly wish and decree to be strictly observed.*

[15] Considering that where discipline is despised, religion suffers shipwreck, we have thought it especially necessary to provide that such contempt produces nothing discordant in those who have dedicated themselves to Christ by vow', staining the good name of religious life and offending the divine majesty. We therefore, with the approval of this sacred council, have judged it wise to decree that every convent of nuns should be visited each year by their ordinary as follows: exempt convents subject to the apostolic see alone, by the authority of that see; non-exempt convents by the ordinary^ authority; and other exempt convents, by the authority to whom they are subject. The visitors are to be very careful that the nuns — some of whom, to our sorrow, we have heard are transgressors — do not wear silk, various furs or sandals; do not wear their hair long in a horn-shaped style, nor make use of striped and multi-coloured caps; do not attend dances and the banquets of seculars; do not go walking through the streets and towns by day or night; and do not lead a luxurious life in other ways. They shall carefully withdraw the nuns from the excesses and allurements of this world and persuade them to devote themselves in their convents to the cultivation of the virtues which is due to the Lord. We order the visitors to compel the nuns to observe all this by suitable measures, notwithstanding exemptions and privileges of any kind, without prejudice however to these exemptions in other respects.

We also decree that anyone chosen for the office of abbess in those convents where it is customary for abbesses to be blessed, should receive that blessing within a year from the time of her confirmation in office. If she does not, unless there be reasonable cause, she has completely lost her right; and provision is to be made canonically for the monastery to be provided with an abbess by those to whom this belongs. We also order, by our apostolic authority, that those w'omen w'ho are commonly called secular canonesses and who lead a life like that of secular canons, making no renunciation of private property and no profession, should be visited by the local ordinaries, who are to visit the non-exempt on their own authority and the exempt on the authority of the apostolic see. By this, however, we are not intending to approve the status, rule or order of secular canonesses.

We command the visitors, in making their visitation, to be content with two notaries and two persons from their own church and four other men of undoubted honour and maturity. Those who presume to hinder the visitors in their

¹ See Lateran council IV, constitution 12 (see above pp. 240-241); Potthast 1329, 1734 (ch. 5, 6 *Decretals* III 35; Fr 2, 598-599, 599-600).

¹ ch. 1 III 10 *Clementines* (Fr 2, 1166-1168); see Müller 564-567, 569-573.

ipsos in praemissis impedire praesumpserint, seu aliquo praemissorum, nisi moniti resipiscant, ipso facto excommunicationis sententiam se noverint incursuros, privilegiis, statutis et consuetudinibus quibuscumque in contrarium minime valituris.*

s [16]. Cum de quibusdam mulieribus, Beguinabus vulgariter nuncupatis (quae, cum nulli promittant oboedientiam nec propriis renuncient, neque profiteantur aliquam regulam approbatam, religiosae nequaquam existunt, quanquam habitum, qui Beguinarum dicitur, deferant et adhaereant religiosis aliquibus, ad quos specialiter trahitur affectio earundem), nobis fide digna relatione insinuatam exstiterit, quod earum aliquae, quasi perductae in mentis insaniam, de summa Trinitate ac divina essentia disputent et praedicent ac circa fidei articulos et ecclesiastica sacramenta opiniones catholicae fidei contrarias introducant et, multos super his decipientes simplices, eos in errores diversos inducant aliaque is quam plura periculum animarum parientia sub quodam velamine sanctitatis faciant et committant, nos tam ex his quam ex aliis, de ipsarum opinione sinistra frequenter auditis, eas merito suspectas habentes, statum earundem sacro approbante concilio perpetuo duximus prohibendum et a Dei ecclesia penitus abolendum, eisdem et aliis mulieribus quibuscumque so sub poena excommunicationis, quam in contrarium facientes incurrere volumus ipso facto, iniungentes expresse, ne statum huiusmodi, dudum forte ab ipsis assumptum, quoquo modo sectentur ulterius, vel ipsum aliquatenus de novo assumant. Praedictis vero religiosis, per quos eadem mulieres in huiusmodi Beguinagii statu foveri et ad ipsum suscipiendum induci dicuntur, sub simili excommunicationis poena, quam 25 eo ipso, quod secus egerint, se noverint incursuros, districtius inhibemus, ne mulieres aliquas, praedictum statum, ut praemittitur, dudum assumptum sectantes, aut ipsum de novo forsitan assumentes quomodocumque admittant, ipsis super eo sectando vel assumendo praebentes ullo modo 30 consilium, auxilium vel favorem, nullo contra praemissa privilegio valituro. Sane per praedicta prohibere nequaquam intendimus quin, si fuerint fideles aliquae mulieres, quae promissa continentia vel etiam non promissa, honeste in suis conversantes hospitibus, poenitentiam agere voluerint et virtutum Domino in humilitatis spiritu deservire, hoc eisdem 35 liceat, prout Dominus ipsis inspirabit.²

[17] Quia contingit interdum, quod xenodochiorum, leprosariarum, eleemosynariarum seu hospitalium rectores, locorum ipsorum cura postposita, bona, res et iura ipsorum interdum ab occupatorum et usurpatorum manibus excutere negligunt, quin immo ea collabi et deperdi, to domos et aedificia ruinis deformari permittunt et, non attento, quod loca ipsa ad hoc fundata et fidelium erogationibus dotata fuerunt, ut pauperes

¹ c. 2 1111 in *Clem.* (Fr 2,1168-1169); cf. Müller 567-573.

¹ a 1 1111 in *Clem.* (Fr 2,1169); cf. Müller 577-583; H. Grundmann, *Religiose Bewegungen im Mittelalter*, Berlin 1935, 436-438; A. Mens, *Oorsprang en betekenis van de Nederlandse Begijnen - en Begardebeweging*, Leuven-Louvain 1947, 379-382; R. Manselli, *Spirituali e beghini in Provenza*, Roma 1959.

task or any part of it, unless they repent on being admonished, incur automatic excommunication, notwithstanding any privileges, statutes and customs to the contrary.¹

116]. The women commonly known as Beguines, since they promise obedience to nobody, nor renounce possessions, nor profess any approved rule, are not religious at all, although they wear the special dress of Beguines and attach themselves to certain religious to whom they have a special attraction. We have heard from trustworthy sources that there are some Beguines who seem to be led by a particular insanity. They argue and preach on the holy Trinity and the divine essence, and express opinions contrary to the catholic faith with regard to the articles of faith and the sacraments of the church. These Beguines thus ensnare many simple people, leading them into various errors. They generate numerous other dangers to souls under the cloak of sanctity. We have frequently received unfavourable reports of their teaching and justly regard them with suspicion. With the approval of the sacred council, we perpetually forbid their mode of life and remove it completely from the church of God. We expressly enjoin on these and other women, under pain of excommunication to be incurred automatically, that they no longer follow this way of life under any form, even if they adopted it long ago, or take it up anew'. We strictly forbid, under the same penalty, the religious mentioned above, w'ho are said to have favoured these women and persuaded them to adopt the Beguinage way of life, to give in any way counsel, help or favour to women already follow'ing this way of life or taking it up anew; no privilege is to avail against the above. Of course we in no way intend by the foregoing to forbid any faithful women, whether they promise chastity or not, from living uprightly in their hospices, w'ishing to live a life of penance and serving the Lord of hosts in a spirit of humility. This they may do, as the Lord inspires them.²

[17] It happens now and then that those in charge of hospices, leper-houses, almshouses or hospitals disregard the care of such places and fail to loosen the hold of those who have usurped the goods, possessions and rights of these places. They indeed permit them to slip and be lost completely and the buildings to fall into ruin. They have no care that these places were founded and endowed

¹ ch. 2 HI 10 *Clementines* (Fr 2, 1168-1169); see Muller 567-573.

² ch. 1 111 11 *Clementines* (Fr 2, 1169); see Millier 577-583; H. Grundmann, *Religiose Bewegungen im Mittelalter*, Berlin 1935, 436-438; A. Mens, *Oorsprong en betekenis van de Nederlandsc Begijnen- en Begardebeweging*, Louvain 1947, 379-382; R. Manselli, *Spirituali e beggini in Provenza*, Rome 1959; E. McDonnell, *The Beguines and Beghards in Medieval Culture*, New Brunswick 1954; J. Tarrant, *The Clementine decrees on the beguines: conciliar and papal versions*. *Archivum Historiae Pontificiae* 12 (1974) 300-308.

infectique lepra reciperentur inibi et ex proventibus sustentarentur illorum, id renuunt inhumaniter facere, proventus eosdem in usus suos damnabiliter convertentes, cum tamen ea, quae ad certum usum largitione sunt destinata fidelium, ad illum debeant non ad alium, salva quidem sedis apostolicae auctoritate, converti, nos, incuriam et abusum huiusmodi détestantes, hoc sacro concilio approbante sancimus, ut hi, ad quos id de iure vel statuto in ipsorum fundatione locorum appposito aut ex consuetudine praescripta legitime vel privilegio sedis apostolicae pertinet, loca ipsa studeant in praedictis omnibus salubriter reformare, ac occupata, deperdita et alienata indebite in statum reduci debitum faciant, et ad ipsarum miserabilium personarum receptionem et sustentationem debitam iuxta facultates et proventus locorum ipsorum rectores praedictos compellere non omittant. In quo si forte commiserint negligentiam vel defectum, ordinariis locorum iniungimus ut, etiamsi pia loca praedicta exemptionis privilegio munita consistant, per se ipsos vel alios impleant omnia praemissa et singula, et rectores eosdem utique non exemptos propria, exemptos vero et alios privilegiatos apostolica ad id auctoritate compellant, contradictores, cuiuscunque status aut conditionis exsistant, ac praebentes eisdem circa praemissa consilium, auxilium vel favorem, per censuram ecclesiasticam et aliis iuris remediis compescendo, nullum tamen per hoc exemptionibus seu privilegiis ipsis quoad alia praeiudicium generando. Ut autem praemissa promptius observentur, nullus ex locis ipsis saecularibus clericis in beneficium conferatur, etiamsi de consuetudine, quam reprobamus penitus, hoc fuerit observatum, nisi in illorum fundatione secus constitutum fuerit, seu per electionem sit de rectore locis huiusmodi providendum. Sed eorum gubernatio viris providis, idoneis et boni testimonii committatur, qui sciant, velint et valeant loca ipsa, bona eorum ac iura utiliter regere, et eorum proventus et redditus in personarum usum miserabilium fideliter dispensare, et quos in usus alios bona praedicta convertere praesumptio verisimilis non exsistat, in quibus sub obtestatione divini iudicii illorum, ad quos dictorum locorum commissio pertinet, conscientias oneramus. Illi etiam quibus dictorum locorum gubernatio seu administratio committetur, ad instar tutorum et curatorum iuramentum praestare, ac de locorum ipsorum bonis inventaria conficere, et ordinariis seu aliis, quibus subsunt loca huiusmodi, vel deputandis ab eis, annis singulis de administratione sua teneantur reddere rationem. Quod si secus a quoquam fuerit attentatum, collationem, provisionem seu ordinationem ipsam carere decernimus omni robore firmitatis. Praemissa vero ad hospitalia militarium ordinum aut religiosorum etiam aliorum extendi minime volumus, quorum tamen hospitalium rectoribus in sanctae oboedientiae virtute mandamus, ut in illis secundum suorum ordinum instituta et antiquas observantias providere pauperibus, et hospitalitatem debitam in illis tenere procurent, ad quod per superiores eorum arcta distractione cogantur, statutis aut consuetudinibus quibuslibet non obstantibus in praemissis. Ceterum nostrae intentionis exsistit quod, si qua sint hospitalia, altare vel altaria et coemeterium ab antiquo habentia, et presbyteros celebrantes et sacra-

by the faithful so that the poor and lepers might find a home and be supported by the revenues. They have the barbarity to refuse this charity, criminally turning the revenues to their own use, even though that which has been given by the faithful for a certain purpose should, except by authority of the apostolic see, be applied to that purpose and no other. Detesting such neglect and abuse, we decree, with the approval of the sacred council, that they to whom the duty belongs by right or by statute laid down at the foundation of these places, or by lawful custom, or by privilege of the apostolic see, should strive to reform these places in all that has been referred to above. They are to restore what has been seized, lost and alienated. They should compel the persons in charge to receive the poor people and maintain them in accordance with the resources and revenues of the places. If they are remiss in this, we enjoin on the local ordinaries, even if the institutions enjoy the privilege of exemption, to fulfil each and all of the foregoing, either directly or through others, and to compel the non-exempt rectors by their own authority and the exempt and otherwise privileged rectors by the authority of the apostolic see. Those who object, of whatever state or condition they may be, and those who give them counsel, help or favour, are to be checked by ecclesiastical censure and other legal remedies. By this, however, we do not impair the validity of exemptions or privileges in relation to other matters.

In order that the above may be more readily observed, none of these places shall be conferred as benefices on secular clerics, even though this may have been observed as a custom (which we utterly condemn), unless it was otherwise determined at the foundation or unless the post is to be filled by election. But let these institutions be governed by prudent suitable men of good repute, who have the knowledge, good will and ability to rule the institutions, to take care of their property and defend their rights to advantage, to distribute their revenues faithfully for the use of needy persons, and who are not likely to divert the property to other uses. We lay these responsibilities on the consciences of those entrusted with these places, calling on the witness of the divine judgment. Those who are entrusted with the government or administration of such places shall also take an oath, after the manner of guardians, and make inventories of the property belonging to the place, and give an account each year of their administration to the ordinaries or others to whom these places are subject, or to their representatives. If anyone attempts to act otherwise, we decree that the appointment, provision or arrangement is null and void.

We do not wish, however, the foregoing to apply to the hospices of military or religious orders. For these hospices we order those in charge of them, in virtue of holy obedience, to provide in them for the poor in accordance with the institutes and ancient observances of their orders, and to show themselves duly hospitable. They shall be compelled to do this by strict disciplinary measures of their superiors, notwithstanding any statute or custom. Furthermore, our intention is that, if there are hospices which have had from old times an altar or altars and a cemetery, with priests who celebrate divine services and administer the sacra-

menta ecclesiastica pauperibus ministrantes, seu si parochiales rectores consueverint in illis exercere praemissa, antiqua consuetudo servetur quoad exercenda et ministranda spiritualia supra dicta.¹

[18]. Ut constitutio², quae ad ecclesiam aliquam quemvis etiam ad
s exemptorum praesentationem admitti, consuetudine non obstante con-
traria prohibet, nisi praesentato de proventibus eiusdem ecclesiae talis
coram dioecesano portio fuerit assignata, unde iura possit episcopalia
solvere et sustentationem habere congruam, sicut expedit, observetur,
ipsam declarare ac quaedam adicere consulta huiusmodi sacri concilii
io approbatione providimus, dioecesanis sub obtestatione divini iudicii
districtius inhibentes, ne praesentatum aliquem per quamcunque perso-
nam ecclesiasticam, ius praesentandi ad ecclesiam aliquam habentem,
admittant, nisi intra certum terminum competentem, per dioecesanos
ipsos praesentantibus praefigendum, ipsi praesentato fuerit coram eis, ut
is praescribitur, congrua de proventibus ecclesiae portio assignata. Quam
si forsitan iidem praesentantes intra terminum ipsum assignare neglexerint,
ne factum eorum noceat praesentato, statuimus ut extunc dioecesani
debeant praesentatum, nisi aliud canonicum obsistat, admittere et in
poenam praesentantium ad dioecesanos ipsos potestas assignationis huius-
20 modi devolvatur. Praecipimus autem dioecesanis eisdem sub ipsius
obtestatione divini iudicii ipsorumque conscientias oneramus, quod
moderationem portionis ipsius debite faciant, nec odio vel favore vel
alias in pluri vel minori circa illam scienter excedant. Sane in prioratum
vel aliorum tam regularium quam saecularium locorum ecclesiis, in qui-
25 bus religiosi vel alii, ad quos eorum redditus pertinere noscuntur, praedicta
consueverunt onera supportare, praemissa nullatenus observentur, sed
onera omnia, quae ecclesiarum ipsarum perpetuis presbyteris aut vicariis
incumberent, si dicta eis assignatio facta esset, religiosi et alii supra dicti
plene subire ac presbyteros seu vicarios ipsos decenter tractare, nec non
» sustentationem eis praestare sufficientem et congruam teneantur. Ad
quae omnia integraliter adimplenda, et nihilominus ad observationem
debitam assignationis per dioecesanum in casu alio, ut praemittitur,
faciendae, religiosos praedictos et alios quoslibet a dioecesanis eisdem
ecclesiastica volumus censura compelli, non obstantibus exemptionibus
35 aut aliis quibuslibet privilegiis, consuetudinibus vel statutis, quae circa
praemissa vel eorum aliquod religiosi ipsis aut aliis in nullo volumus
suffragari?

[19]. Cum sit naturae consonum, illos non recusare onera, qui rerum commoda complectuntur, hac in perpetuum valitura constitutione sancimus, ut religiosi quicunque pro monasteriis et ecclesiis, quae ad eos quocunque sunt titulo devoluta, procuraciones legatorum sedis apostolicae ac iura episcopalia et alia praestari pro ipsis, antequam ad eos pervenissent, solita, prompteolvere studeant, nisi forsitan sedis apostolicae privilegio, exemptione vel alia causa legitima ab his se valeant excusare.

» c. 2 III 11 in *Clem.* (Fr 2,1170-1171); cf. Müller 574-577.

¹ Cf. c. 1 III 4 in (Fr 2,1020). » c. 1 II 112 in *Clem.* (Fr 2,1171); cf. Müller 622-624.

meats to the poor, or if the parish priests have been accustomed to do this, these ancient customs are to be retained,¹

[18], We wish the constitution² to be observed which forbids that anyone, even at the presentation of exempt religious, be admitted to some church, contrary custom notwithstanding, unless a portion of the revenues of that church has been assigned to him in the presence of the diocesan bishop, where-with he may be able to meet his obligations to the bishop and have a suitable means of livelihood. We are therefore taking care, with the approval of the sacred council, to explain the constitution and to add certain considerations. Thus we strictly forbid, adjuring the divine judgment, diocesan bishops to admit anyone presented by any ecclesiastical person having the right of presentation to some church, unless within a certain suitable period, set beforehand by the bishop for the presenter, the one presented is assigned, in the bishop's presence, a suitable portion of the revenues. If the one presenting neglects to assign this within the period, we decree, lest this neglect harm the presentee, that the bishop should then admit him, unless there is some other canonical obstacle, and the power of assigning is to devolve on the bishop as a penalty against the presenter. We admonish however the diocesan bishops, adjuring the divine judgment, and we lay it on their consciences, that they act justly in assigning this portion, nor are they to be knowingly swayed by hatred or favour or in any other way to assign more or less than what is due. Of course in the churches of priories or of other places, regular as well as secular, in which religious or others, to whom the revenues belong, have been accustomed to carry the burdens mentioned above, the above instructions are not to be observed; but the said religious and others are obliged to undertake all the burdens which would lie upon the permanent priests or vicars if the portion had been assigned to them, to treat the priests and vicars correctly, and to provide them with adequate and fitting sustenance. We wish the diocesan bishops to compel the religious and others by ecclesiastical censure to full observance of all this, including the assignation of a just portion by the bishop if the religious and others fail to do this themselves, notwithstanding any exemptions, privileges, customs or statutes, which we wish to be of no avail to the religious and others with regard to the above?

[19]. Since it is only reasonable that those who enjoy advantages should not refuse the burdens connected with them, we decree by the following inviolable constitution that any religious who have in any way obtained monasteries or churches, should take care to pay the procurations of legates of the apostolic see and the obligations to bishops and others which were in force before they took possession, unless they are excused by privilege of the apostolic see, exemption or other lawful cause. We do not wish, however, that such privileges or exemp-

¹ ch. 2 III 11 *Clementines* (Fr 2, 1170-1171); see Muller 574-577.

² See ch. 1 III 4 *Sext* (Fr 2, 1020).

³ ch. 1 III 12 *Clementines* (Fr 2, 1171); see Müller 622-624.

Privilegia vero seu exemptiones huiusmodi ad monasteria seu ecclesias, quae ad eos obvenire continget in posterum, volumus non extendi.¹*

[20] Ad nostrum, quod dolentes referimus, pervenit auditum, quod ecclesiarum praelati, ad monasteria Cisterciensis ordinis accedentes, licet ab eis caritative recipiantur et eis curialiter necessaria ministrentur, cibis tamen regularibus non contenti contra privilegia dicti ordinis carnes petunt et, si eis non ministrentur, auferunt violenter, et licet in locis eisdem fiant eleemosynae competenter, ipsi tamen praelati ipsis religiosis invitis alias eleemosynas faciunt, etiam in aliquibus locis in quibus procurationes non habent de consuetudine vel de iure. Pro equitaturis quoque ferrandis, licet ferris non egeant, et coci eorum sui officii ratione pecuniam exigunt et extorquent, nec compositiones, super procurationibus inter praelatos ipsos et eos initas, eis servant. Ipsis etiam in recipiendis procurationibus ita graves existunt quod, ipsis in eorum monasteriis et ecclesiis procuratores recipientibus, longi temporis victum brevis hora consumit et, dum procurationes recipiunt, canes venaticos, falcones et accipitres secum habent¹, et nisi voluntati satisfiat eorum, valvae monasteriorum seu ecclesiarum per violentiam saepe franguntur et ornamenta ecclesiae exportantur pluresque procurationes recipiunt una die sedis apostolicae privilegio non suffulti, interdum in pecunia numerata, visitationis etiam officio non impenso, et occasione dictarum procurationum iidem praelati ab ipsis frequenter exigunt quae illis solvere non tenentur, intolerabilia eisdem gravamina cumulant³. Sunt et nonnulli, qui procurationes nunciorum apostolicae sedis aliaque extraordinaria onera exemptis et aliis religiosis pro maiori parte imponunt, ut se ac presbyteros liberent saeculares, religiosos ad ordinandum huiusmodi onerum distributionem minime assumentes. In multis etiam aliis praefati praelati exempta monasteria et ipsorum ecclesias utroque illis iure subiectas gravant in procurationibus recipiendis et oneribus insolitis imponendis. Nos igitur super his volentes de opportuno remedio providere, sacri approbatione concilii duximus statuendum ut, si episcopi non causa visitationis sed caritativae hospitalitatis ad monasteria venerint supra dicta, victualia gratiose recipiant, quae caritatis gratia eis fuerint ministrata. Ipsis autem episcopis ad monasteria venientibus supra dicta et procurationes ibidem recipientibus, sibi debitas de iure communi, consuetudine, privilegio vel iure alio speciali, in domibus ipsorum monasteriorum, extra tamen septa ipsorum existentibus, si quae fuerint ad hoc aptae, alioquin intra septa ipsa, non tamen intra portam, quam regularem appellant, carni-um pro congruentia temporis, si voluerint privilegio non obstante quocunque, cibaria ministrentur. Nec inconveniens reputamus, si fragmenta quae de mensis ipsorum episcoporum et suorum familiarium colliguntur, per ipsorum episcoporum eleemosynaries ibidem pauperibus erogentur.

¹ c. I III 13 in *Clm.* (Fr 2, 1172); de c. 19-21 cf. Mulier 557-56!

¹ Cf. conc. Lat. III, c. 4 (v. supra p. 213).

* Cf. conc. Lugd. II, c. 24 (v. supra p. 327).

cions should be extended to monasteries or churches which they may happen to acquire in the future.'

[20] We have heard with sorrow that prelates visiting the monasteries of the Cistercian order, although charitably received and courteously served with all that is needful, are nevertheless not content with the food prescribed by the monastic rule. Contrary to the privileges of the said order they demand meat, and if it is not served to them, they obtain it by force. Although they receive suitable alms in these monasteries, the prelates procure more for themselves against the will of the religious, sometimes even in places where neither custom nor law provide a title to procurations. They demand and extort money for their horses to be shod, even when this is unnecessary, and their cooks demand and extort money by reason of their office; nor do they observe the arrangements made between the prelates and the monks concerning procurations.

In receiving the procurations they are so oppressive that in one short hour they consume what would last the community for a long time. They have with them, while they are receiving the procurations, their hunting-dogs, falcons and hawks¹. Unless their demands are met, the doors of monasteries or churches are often violently broken and the ornaments of the church are carried off. Without any privilege from the apostolic see they receive several procurations in one day, occasionally paid in money, even without making a visitation; and on the occasion of these procurations they often demand from the monks what these are not obliged to pay them, laying on the monks an intolerable burden³. There are also some prelates who impose on exempt and other religious the greater part of procurations due to nuncios of the apostolic see and other extraordinary burdens, in order to free themselves and secular priests, without any consultation with the religious about dividing the load. In many other ways the said prelates oppress exempt monasteries and churches which are subject to these monasteries in both civil and canon law, in receiving their procurations and in imposing unaccustomed burdens.

We wish therefore to provide a suitable remedy for this state of affairs. We decree, with the approval of the sacred council, that if the bishops come to the said monasteries not for visitation but for hospitality, they should receive graciously the refreshment offered in charity to them. But if the bishops come to these monasteries and receive the procurations due to them by common law, custom, privilege or any other law, they may if they wish be served with meat, on days when it is permitted, in the houses of the monasteries if these are available, but outside the monastic precincts, notwithstanding any privilege to the contrary; if the houses are not available, they may be served within the monastic precincts but not inside the religious door, as it is called. Nor do we consider it unbecoming if the fragments ■which are collected from the tables of the bishops and the members of their households are collected up and given by the bishops' almoners to the poor of the area. The prelates are carefully to refrain

¹ ch. 1 III 13 *Clementines* (Fr 2, 1172); on decrees 19-21, see Muller 557-561.

² See Lateran council III, canon 4 (see above p. 213).

⁵ See council of Lyons II, constitution 24 (see above p. 327).

Ab aliis autem gravaminibus expressis superius praelati diligenter abstineant, si Dei et apostolicae sedis indignationem voluerint evitare.¹

[21]. Praesenti constitutione iubemus, ut locorum dioeccsani contra eos, qui ab ecclesiis vel personis ecclesiasticis pro earum rebus propriis, quas non negotiandi causa deferunt aut deferri faciunt vel transmittunt, pedagia vel guidagia suo vel alieno nomine exigunt vel extorquent in animarum suarum periculum, et eorum, a quibus ea exigunt, praeiudicium et gravamen, excommunicationis et interdicti sententias a iure prolatas, postquam de his ipsis constiterit, omnino publicent vel a suis subditis tamdiu faciant publicari, donec illi sic exacta restituerint et de transgressione huiusmodi satisfecerint competenter.²

[22]. Gravi nimirum turbatione movemur, quod ex nonnullorum rectorum negligentia quae, dum spem impunitatis permittit, multam nutrire pestilentiam consuevit in subditis, plerique ecclesiarum ministri, modestia ordinis clericalis abiecta, dum offerre Deo sacrificium laudis, fructum labiorum suorum³, in puritate conscientiae et animi devotione deberent, horas canonicas dicere seu psallere transcurrendo, syncopando, extranea quidem et plerumque vana, profana et inhonesta intermiscendo colloquia, tarde ad chorum conveniendo, seu ecclesiam ipsam absque rationabili causa ante finem officii exeundo frequenter, aves interdum portando seu faciendo portari, canesque secum ducendo venaticos ac, quasi nihil praetendentes de clericali militia, in corona, vestibus et tonsura divina etiam celebrare aut eis interesse nimis indevote praesumunt. Nonnulli etiam tam clerici quam laici, praesertim in festorum certorum vigiliis, dum in ecclesiis deberent orationi insistere, non verentur in ipsis earumque coemeteriis choreas facere dissolutas et interdum canere cantilenas ac multas insolentias perpetrare, ex quibus ecclesiarum et coemeteriorum violationes, inhonesta variaque delicta quandoque sequuntur et ecclesiasticum plerumque perturbatur officium in divinae maiestatis offensam et adstantium scandalum populorum. In multis insuper ecclesiis cum vasis, vestimentis et ceteris ornamentis ad divinum cultum necessariis, indecentibus utique, pensatis earum facultatibus, deservitur. Ne igitur transgressiones invalescant huiusmodi aliisque veniant in exemplum, sacri concilii approbatione hoc fieri prohibentes, sancimus ut illi, ad quos id pertinet, et in eorum, si utique exempti non sint, negligentiam vel defectum, locorum ordinarii, si vero exempti fuerint aut alias circa hoc privilegiât!, superiores ipsorum, omni negligentia vel incuria penitus relegata, circa reformanda praemissa et eorum singula corrigenda, nec non ut in cathedralibus, regularibus et collegiatis ecclesiis horis debitis devote psallatur, in aliis vero convenienter et debite celebretur divinum diurnum et nocturnum officium, si Dei et apostolicae sedis indignationem evitare voluerint, sollicitam curent diligentiam adhibere, contradictores per censuram ecclesiasticam, dummodo ad eos illam exercere pertineat,

¹ c. 2 II 13 in *Cient.* (Fr 2,1172-1173).

« c. 3 III 13 in *Cient.* (Fr 2,1173) et cf. c. 4 II 20 in *VI0* (Fr 2,1058).

» Cf. Heb 13,15.

from all the other oppressions mentioned above, if they wish to avoid the indignation of God and of the apostolic see.

[21]. By the present constitution we order local ordinaries, when the matter becomes known to them, to publish or have published by their subjects the sentences of excommunication and interdict pronounced by law against those who, either on their own initiative or at the command of others, exact or extort tolls or imposts, to the danger of their own souls and the disadvantage of those they oppress, from churches or ecclesiastical persons for goods that are their own, which they are not carrying or having carried or sending for the purposes of trade. They shall continue to publish such sentences until restitution is made for the exactions and fitting satisfaction is given?

[22]. We are gravely disturbed that, owing to the negligence of some rectors, their subjects fear no punishment and so are encouraged in bad behaviour. Many ministers of churches have cast aside clerical modesty. They ought to offer to God a sacrifice of praise, the fruit of their lips³, in purity of conscience and devotion of mind. Instead they presume to say or chant the canonical hours in a hurried manner, omitting parts, mingling with them conversation which is mostly vain, profane and unbecoming. They come late to choir, or often leave the church without good reason before the end of the office, occasionally carrying birds or having them carried and bringing hunting-dogs with them. As if regardless of their clerical obligations, they presume to celebrate or be present at office, even though tonsured and vested, with an utter lack of devotion. There are some, both clergy and laity, especially on the vigil of certain feasts when they ought to be in church persevering in prayer, who are not afraid to hold licentious dances in the cemeteries of the churches and occasionally to sing ballads and perpetrate many excesses. From this sometimes there follows the violation of churches and cemeteries, disgraceful conduct and various crimes; and the liturgical office is greatly disturbed, to the offence of the divine majesty and the scandal of the people nearby. In many churches also the vessels, vestments and other articles necessary for divine worship are, considering the churches' means, unworthy.

We do not wish these transgressions to increase and become a bad example to others. We therefore, with the approval of the sacred council, forbid these practices. We decree that those whose duty it is — namely the local ordinaries for the non-exempt and the superiors for the exempt and otherwise privileged — must exercise watchful care to get rid of all negligence and carelessness, to reform the above-mentioned things and to correct each of them. Also, the day and night office is to be devoutly chanted at the proper hours in cathedrals and in regular and collegiate churches, and in other churches it is to be fittingly and duly celebrated, if ordinaries and superiors wish to avoid the indignation of God and of the apostolic see. They are to curb, if they have jurisdiction, those who oppose correction, by ecclesiastical censure and other suitable remedies. In this

¹ ch. 2 III 13 *Clementines* (Fr 2, 1172-1173).

² ch. 3 III 13 *Clementines* (Fr 2, 1173) and see ch. 4 III 20 *Sext* (Fr 2, 1058).

³ See Heb 13, 15.

aliisque opportunis remediis compescendo, facientes, prout ad cos spectat in his et aliis, quae ad divinum cultum et morum reformationem pertinent, ac ecclesiarum et coemeteriorum respiciunt honestatem, sacrorum statuta canonum, ad quae scienda diligens curent adhibere studium, irrefragabiliter observari.¹

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[23]. Dignum prorsus et congruum arbitantes, quod clerici tam religiosi quam alii cardinalium sacrosanctae Romanae ecclesiae ac quorumcumque pontificum gratiam et communionem apostolicae sedis habentium commensales domestici, se possint ipsis in divinis officiis coaptare, ut illud, quod iidem cardinales seu pontifices dicunt officium, licite dicere valeant, nec ad dicendum aliquod aliud teneantur, sacri approbatione concilii indulgemus.²

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[24]. Inter sollicitudines nostris humeris incumbentes perpeti cura revolvimus, ut errantes in viam veritatis³ inducere, ipsosque lucrifacere Deo sua nobis coopérante gratia valeamus, hoc est quod profecto desideranter exquirimus, ad id nostrae mentis sedulo destinamus affectum ac circa illud diligenti studio et studiosa diligentia vigilamus. Non ambigimus autem, quin ad huiusmodi nostrum desiderium assequendum divinorum eloquiorum sit expositio congrua ipsorumque fidelis praedicatio admodum opportuna. Sed nec ignoramus, quin et haec promi noscantur inaniter vacuaque redire, si auribus linguam loquentis ignorantium proferantur. Idcoque illius, cuius vicem in terris, licet immeriti, gerimus, imitantes exemplum, qui ituros per universum mundum ad evangelizandum apostolos in omni linguarum genere fore voluit eruditos*, viris catholicis notitiam linguarum habentibus, quibus utuntur infideles praecipue, abundare sanctam affectamus ecclesiam, qui infideles ipsos sciant et valeant sacris institutis instruere, christicolarumque collegio per doctrinam Christianae fidei ac susceptionem sacri baptismatis aggregare. Ut igitur peritia linguarum huiusmodi possit habilitate per instructionis efficaciam obtineri, hoc sacro approbante concilio scholas in subscriptarum linguarum generibus, ubicunque Romanam curiam residere contigerit, nec non in Parisiensi et Oxoniensi, Bononiensi et Salamantino studiis providimus erigendas, statuantes ut in quolibet locorum ipsorum teneantur viri catholici, sufficientem habentes Hebraicae, Arabicae et Chaldaee linguarum notitiam, duo videlicet uniuscuiusque linguae periti, qui scholas regant inibi, et libros de linguis ipsis in latinum fideliter transferentes, alios linguas ipsas sollicite doceant earumque peritiam studiosa in illos instructione transfundant, ut instructi et edocti sufficienter in linguis huiusmodi fructum speratum possint Deo auctore producere, fidem propugnaturi salubriter in ipsos populos infideles. Quibus equidem in Romana curia legentibus per sedem apostolicam, in studiis vero Parisiensi per regem Franciae, in Oxoniensi Angliae, Scotiae,

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¹ c. 1 III 14 *in Clem.* (Fr 2,1173-1174); cf. cone. Lugd. II, c. 25 (v. supra p. 328); Müller 611-613.

² c. 2 III 14 *in Clem.* (Fr 2,1174); cf. Müller 613-614.

» Cf. Sap 5,6. ‘ Cf. Ac 2,4; 1 Cor 12,30.

and other matters which concern the worship of God «and the reform of morals, and also the honourable reputation of churches and cemeteries, they are to see to it, as far as duty binds them, that the sacred canons are inviolably observed, and they shall take care to be well acquainted with these canons.¹²

[23]. We think it altogether right and fitting that clerics, both religious and others, who belong to the household of a cardinal of the holy Roman church or of any bishop in communion with the apostolic see, should join with them in the divine office. We therefore concede, with the approval of the sacred council, that these clerics may lawfully say the same office as the cardinal or bishop, nor are they obliged to say any other.'

[24]. Among the cares lying heavily on us there is one on which we reflect constantly: how we may lead the erring into the way of truth³ and win them for God with the help of his grace. This is what we seek earnestly and longingly, to this we direct our mind with great zeal, to this we are alert with an ever-attentive enthusiasm. We are in no doubt that to attain our desire, the word of God should be fittingly explained and preached to great advantage. Nor are we unaware that the word of God is learned in vain and returns empty to the speaker if it is directed to the ears of those ignorant of the speaker's language. We are therefore following the example of him whom we, though unworthy, represent on earth. He wished that his apostles, going through the whole world to evangelize, should have a knowledge of every tongue⁴. We desire earnestly that holy church should be well supplied with catholic scholars acquainted with the languages most in use by unbelievers. These scholars should know how to train unbelievers in the Christian way of life, and to make them members of the Christian body through instruction in the faith and reception of sacred baptism.

In order, then, that skill in these languages be attained by suitable instruction, we have stipulated, with the approval of the sacred council, that schools be established for the following languages wherever the Roman curia happens to reside and also at Paris, Oxford, Bologna and Salamanca: that is, we decree that in each of these places there should be catholic scholars with adequate knowledge of Hebrew, Arabic and Chaldaic. There are to be two experts for each language in each place. They shall direct the schools, make faithful translations of books from these languages into Latin, and teach others those languages with all earnestness, passing on a skilful use of the language, so that after such instruction these others may, God inspiring, produce the harvest hoped for, propagating the saving faith among the heathen peoples. The salaries and expenses of these lecturers in the Roman curia will be provided by the apostolic see, those at Paris by the king of France, and those at Oxford, Bologna and

¹ ch. 1 III 14 *Clementines* (Fr 2, 1173-1174); see council of Lyons II, constitution 25 (see above p. 328); Müller 611-613.

² ch. 2 III 14 *Clementines* (Fr 2, 1174); see Müller 613-614.

³ See Wis 5, 6. ⁴ See Ac 2, 4; 1 Cor 12, 30.

Hiberniae ac Waliae, in Bononiensi per Italiae, in Salamantino per Hispaniae praelatos, monasteria, capitula, conventus, collegia exempta et non exempta, et ecclesiarum rectores in stipendiis competentibus et sump-
 5 tibus volumus provideri, contributionis onere singulis iuxta facultatum
 exigentiam imponendo, privilegiis et exemptionibus quibuscunque con-
 trariis nequaquam obstantibus, quibus tamen nolumus quoad alia prae-
 iudicium generari.¹

[25]. Cedit quidem in offensam divini nominis et opprobrium fidei
 Christianae, quod in quibusdam mundi partibus principibus christianis
 10 subiectis, in quibus interdum seorsum, interdum vero permixtim cum
 christianis habitant Sarraceni, sacerdotes eorum, Zabazala vulgariter nun-
 cupati, in templis seu mesquitis suis, ad quae iidem Sarraceni conveniunt,
 ut ibidem adorent perfidum Machometum, diebus singulis certis horis in
 loco aliquo eminenti eiusdem Machometi nomen, christianis et Sarracenis
 15 audientibus, alta voce invocant et extollunt, ac ibidem verba quaedam in
 illius honorem publice profitentur; ad locum insuper, ubi olim quidam
 sepultus exstitit Sarracenus, quem ut sanctum Sarraceni alii venerantur
 et colunt, magna Sarracenorum earundem partium et etiam aliarum con-
 fluit publice multitudo, ex quibus nostrae fidei non modicum detrahitur,
 20 et grave in cordibus fidelium scandalum generatur. Cum autem haec
 in divinae maiestatis displicentia non sint ullatenus toleranda, sacro
 approbante concilio ipsa in terris Christianorum districtius fieri deinceps
 inhibemus, universis et singulis principibus catholicis, sub quorum do-
 minio dicti Sarraceni morantur et fiunt praedicta, sub obtestatione divini
 25 iudicii obnoxius iniungentes, quatenus ipsi, tanquam veri catholici et
 Christianae fidei seduli zelatores, opprobrium quod tam ipsis quam
 ceteris christicolis per praemissa ingeritur, debita consideratione pen-
 santes, ipsum, ut proinde aeternae beatitudinis praemium assequantur,
 de terris suis omnino auferant et a suis subditis auferri procurent, inhi-
 30 bendo expresse, ne praefata invocatio seu professio nominis ipsius sacri-
 legi Machometi publice, aut peregrinatio praelibata ab aliquo in eorum
 existente dominio audeat attentari de cetero vel quomodolibet sustineri.
 Hi vero, qui secus praesumpserint, taliter ob divinam reverentiam casti-
 gentur ab ipsis, quod alii, eorum exemplo perterriti, a praesumptione
 35 simili arceantur.²

[26]. Multorum querela sedis apostolicae pulsavit auditum, quod non-
 nulli inquisitores, per sedem eandem contra pravitatem haereticam depu-
 tati, metas sibi traditas excedentes, sic interdum extendunt suae potestatis
 officium, ut quod in augmentum fidei per circumspectam eiusdem sedis
 40 vigilantiam salubriter est provisum, dum sub pietatis specie gravantur

¹ c. 1 V 1 in *Clem.* (Fr 2,1179); cf. inter alios B. Altaner, *Sprachstudien und Sprachkennlnitte im Dienrte der Mirrion der 13. und 14. Jabrbundertr*, Zeitschrift fur Missionswissenschaft 21 (1931) 121-124; id., *Lullur und der Sprachenkanon der Kcngilr von Vienne*, Historisches Jahrbuch 53 (1933) 190-219; id., *Die Durrhführung der Viewer Kon^ilrberchlurrer über die Errichtung von Lebrtübblen für ortalalirche Sprachen*, Zeitschrift fur Kirchengeschichte 52 (1933) 226 sqq.;
 de c. 24-25 cf. etiam Müller 636-642.

² c. un. V 2 in *Clem.* (Fr 2,1180-1181).

Salamanca by the prelates, monasteries, chapters, convents, exempt and non-exempt colleges, and rectors of churches, of England, Scotland, Ireland and Wales, of Italy, and of Spain respectively. The burden of contributing shall be imposed on each in accordance with the needs of the faculties, notwithstanding any contrary privileges and exemptions, which however we do not wish to be impaired in other respects.¹

[25]. It is an insult to the holy name and a disgrace to the Christian faith that in certain parts of the world subject to Christian princes where Saracens live, sometimes apart, sometimes intermingled with Christians, the Saracen priests, commonly called Zabazala, in their temples or mosques, in which the Saracens meet to adore the infidel Mahomet, loudly invoke and extol his name each day at certain hours from a high place, in the hearing of both Christians and Saracens, and there make public declarations in his honour. There is a place, moreover, where once was buried a certain Saracen whom other Saracens venerate as a saint. A great number of Saracens flock there quite openly from far and near. This brings disrepute on our faith and gives great scandal to the faithful.

These practices cannot be tolerated any further without displeasing the divine majesty. We therefore, with the sacred council's approval, strictly forbid such practices henceforth in Christian lands. We enjoin on catholic princes, one and all, who hold sovereignty over the said Saracens and in whose territor}' these practices occur, and we lay on them a pressing obligation under the divine judgment that, as true Catholics and zealous for the Christian faith, they give consideration to the disgrace heaped on both them and other Christians. They are to remove this offence altogether from their territories and take care that their subjects remove it, so that they may thereby attain the reward of eternal happiness. They are to forbid expressly the public invocation of the sacrilegious name of Mahomet. They shall also forbid anyone in their dominions to attempt in future the said pilgrimage or in any way give countenance to it. Those who presume to act otherwise are to be so chastised by the princes for their irreverence, that others may be deterred from such boldness.²

[26]. The apostolic see has received many complaints that some inquisitors, appointed by it to suppress heresy, have overstepped the limits of the power given to them. They occasionally so enlarge their authority that what has been wisely provided by the apostolic see for the growth of the faith, oppresses the

¹ ch. 1 V 1 *Clementines* (Fr 2, 1179); see among others B. Altaner, *Sprachstudien und Sprachkenntnisse im Dienste der Mission des 13. und 14. Jahrhunderts*, Zeitschrift für Missionswissenschaft 21 (1931) 121-124; id., *Lullus und der Sprachenkanon des Konzils von Vienne*, Historisches Jahrbuch 53 (1933) 190-219; id., *Die Durchführung des Viennener Konzilsbeschlusses Über die Errichtung von Lehrstühlen für orientalische Sprachen*, Zeitschrift für Kirchengeschichte 52 (1933) 226 ff.; on decrees 24-25, see also Müller 636-642.

² ch. 1 V 2 *Clementines* (Fr 2, 1180-1181).

innoxii, cedat in fidelium detrimentum. Propter quod ad Dei gloriam et
 augmentum eiusdem fidei, ut negotium inquisitionis huiusmodi eo pros-
 peretur felicius, quo deinceps eiusdem labis indago solemnius, diligentius
 et cautius peragetur, ipsum tam per dioecesanos episcopos, quam per
 inquisitores a sede apostolica deputatos, omni carnali amore, odio vel
 timore ac cuiuslibet commodi temporalis affectione semotis, decernimus
 exerceri sic, quod quilibet de praedictis sine alio citare possit, et arrestare
 sive capere ac tutae custodiae mancipare, ponendo etiam in compedibus
 vel manicis ferreis, si ei visum fuerit faciendum, super quo ipsius con-
 scientiam oneramus, nec non inquirere contra illos, de quibus pro huius- 10
 modi negotio secundum Deum et iustitiam viderit expedire. Duro tamen
 tradere carceri sive arcto, qui magis ad poenam quam ad custodiam videat-
 ur, vel tormentis exponere illos aut ad sententiam procedere contra eos,
 episcopus sine inquisitore aut inquisitor sine episcopo dioecesano aut eius
 officiali vel episcopali sede vacante capituli super hoc delegato, si sui ad- is
 invicem copiam habere valeant, intra octo dierum spatium, postquam se
 invicem requisierint, non valebit, et si secus praesumptum fuerit, nul-
 lum sit et irritum ipso iure. Verum si episcopus vel eius capituli sede
 vacante delegatus cum inquisitore, aut inquisitor cum altero eorundem
 propter praemissa nequeat aut nolit personaliter convenire, possit episco- 20
 pus vel eius seu capituli sede vacante delegatus inquisitori, et inquisitor
 episcopo vel eius delegato, seu sede vacante illi, qui ad hoc per capitulum
 fuerit deputatus, super illis committere vices suas vel suum significare
 per litteras consilium et consensum. Sane quia circa custodiam carcerum
 haereticalium, qui muri in quibusdam partibus vulgariter nuncupantur, 25
 multas fraudes dudum intelleximus perpetratas, nos, volentes super hoc
 providere, statuimus ut quilibet talis career vel murus, quem de cetero
 episcopo et inquisitori praedictis volumus fore communem, duos custo-
 des habeat principales, discretos, industrios et fideles, unum, quem volet
 episcopus et providebit eidem, alium, de quo voluerit inquisitor, cui 30
 etiam providebit, et quilibet praedictorum custodum sub se alium bonum
 et fidum poterit habere ministrum. In quolibet etiam conclavi eiusdem
 carceris sive muri erunt duae claves diversae, quarum unam unus, aliam
 alius tenebit praedictorum custodum, et eam cum officio ministrandi,
 quae incarcerationis fuerint ministranda, suo poterit committere vel sub- 35
 delegare ministro. Porro coram episcopo vel capitulo sede vacante et
 inquisitore praedictis vel substitutis ab eis custodes supra dicti, antequam
 suum officium exsequantur, iurabunt ad sancta Dei evangelia corporaliter
 a se tacta, quod in custodia immutatorum et aliorum, pro crimine supra
 dicto in sua custodia positorum et ponendorum, omnem diligentiam et 40
 sollicitudinem, quam poterunt, fideliter adhibebunt. Et quod alicui in-
 carcerato nihil unus in secreto loquetur, quin hoc audiat alter custos.
 Et quod provisionem, quam incarcerationi recipiunt ex ordinatione com-
 muni, et illud quod a parentibus et amicis vel aliis personis fidelibus
 offeretur eisdem, nisi episcopi et inquisitoris vel suorum commissariorum 45
 ordinatio refragetur, ipsis fideliter et absque deminutione aliqua ministra-
 bunt nec in his fraudem aliquam adhibebunt. Et idem iuramentum et

innocent under pretext of piety and results in harm to the faithful. The work of the inquisition will be the more successful the more solemnly, diligently and cautiously its investigations are prosecuted. We decree therefore, for the glory of God and the increase of the faith, that this work will be done by both diocesan bishops and by inquisitors appointed by the apostolic see. All worldly affection, hatred and fear shall be put aside, as also any seeking of temporal advantage. We decree that the bishops and the inquisitors may act independently of one another. They may summon, arrest or hold for sake-keeping, even securing those arrested hand and foot if it seems necessary. For this we hold them responsible. They may also inquire about those concerning whom inquiry seems right before God and just. The bishop, however, without the inquisitor, or the inquisitor without the diocesan bishop or his officer or the delegate of the chapter when the see is vacant, may not commit to harsh or close imprisonment, which seems more like punishment than custody, or subject anyone to torture or pronounce sentence on anyone, if they can have access to each other within eight days after seeking it; any contravention of this has no legal validity. If nevertheless the bishop, or the delegate of the chapter when the see is vacant, cannot or will not personally meet the inquisitor, or if the inquisitor cannot or will not personally meet either of the other two, the matter may be entrusted to their proxies or settled by counsel and consent through letters.

In regard to the custody of prisons for heretics, commonly called walls in certain regions, we have realized that much deceit has been practised of late, and we wish to obviate this. We decree that any such prison or wall, which we wish for the future to be for the joint use of bishop and inquisitor, shall have two principal guards, discreet, diligent and trustworthy, one to be appointed and provided for by the bishop, the other by the inquisitor. Each of these guards may have a loyal and trustworthy assistant. For each room of the prison there will be two different keys, one held by each guard. He may entrust or subdelegate his key to his assistant for the purpose of ministering to the prisoners. Furthermore, the guards, before they assume office, shall, in the presence of both the bishop, or the chapter while the see is vacant, and the inquisitor, or their substitutes, take an oath on the holy gospels, which they shall touch, that they will use all diligence and care in their duty of guarding those placed or to be placed in their custody on account of the crime of heresy; that one guard shall say nothing in secret to a prisoner out of hearing of the other guard; that they will administer faithfully and without any deduction the provisions which the prisoners receive from the administration and those that they may be offered by relatives, friends or other trustworthy persons, unless there is an order to the contrary from the bishop and the inquisitor or their deputies, and that in this matter there will be no fraud. The assistants of the guards shall take the same

coram eisdem personis ministri custodum, priusquam suum exerceant officium, exhibebunt. Et quia saepe contingit episcopos proprios habere carceres, sibi et dictis inquisitoribus non communes, volumus et districte praecipimus, ut custodes ad incarcerationum pro dicto crimine custodiam
 5 per episcopos vel sede vacante per capitulum deputandi, et eorum ministri coram dictis inquisitoribus vel substitutis ab eis praestent simile iuramentum. Notarii quoque inquisitionis coram episcopo et inquisitore vel substitutis ab eis iurabunt, suum officium fideliter exercere. Et idem fiet de aliis personis, necessariis ad praedictum officium exsequendum.
 10 Verum quia nimis est grave, ad exterminationem pravitatis praedictae non agere, quod ipsius contagiosa enormitas agendum requirit, grave est quoque et damnatione dignissimum malitiose insontibus eandem imponere pravitatem, episcopo et inquisitori praedictis ac aliis, ad dicti executionem officii substituendis ab eis, in virtute sanctae oboedientiae
 15 et sub interminatione maledictionis aeternae praecipimus, ut sic discrete et prompte contra suspectos vel diffamatos de huiusmodi pravitate procedant, quod malitiose aut fraudulenter tantam labem, seu quod ipsos in executione officii inquisitionis impediat, falso alicui non imponant. Quod si odii, gratiae vel amoris, lucri aut commodi temporalis obtentu
 20 contra iustitiam et conscientiam suam omiserint contra quemquam procedere, ubi fuerint procedendum super huiusmodi pravitate aut obtentu eodem, pravitatem ipsam vel impedimentum officii sui alicui imponendo, eum super hoc praesumpserint quoquo modo vexare, praeter alias poenas, pro qualitate culpa imponendas eisdem, episcopus aut superior
 25 suspensionis ab officio per triennium, alii vero excommunicationis sententias eo ipso incurrant. A qua quidem excommunicationis sententia, qui eandem incurrerint, nisi per Romanum pontificem nequeant, praeterquam in mortis articulo, et tunc satisfactione praemissa absolutionis beneficium obtinere, nullo in hac parte privilegio suffragante. Alia sane,
 30 quae circa praemissum inquisitionis officium a nostris sunt praedecessoribus instituta, quatenus praesenti decreto non obviant, sacri approbatione concilii roborata in sua volumus firmitate manere.¹

[27] Nolentes splendorem solitum negotii fidei per actus indiscretos et improbos quorumvis inquisitorum haereticae pravitatis quasi tene-
 35 brosi fumi caligine obfuscari, hoc sacro concilio approbante statuimus, nullis extunc nisi qui quadragesimum aetatis annum attigerint, officium inquisitionis praedictae committi inquisitoribus, et tam ipsorum quam episcoporum seu capitulorum sede vacante super hoc deputatis commissariis quibuscunque districtius iniungentes, ne praetextu officii inquisitionis quibusvis modis illicitis ab aliquibus pecuniam extorqueant, nec
 40 scienter attentent ecclesiarum bona ob clericorum delictum praedicti occasione officii fisco etiam ecclesiae applicare. Quod si secus in his vel eorum altero fecerint, excommunicationis sententiae eos subiacere decer-

¹ c. 1 V 3 in *Clem.* (Fr 2,1181-1182); c£ inter alios, de c. 26 et sqq., G Douais, *Documenti pour servir à l'histoire de l'inquisition dans le Languedoc*, I Paris 1900, XL, LXXII; Bernard Gui, *Manuel de l'inquisiteur*, ed. G. Mollat, I Paris 1926, XI-XH; Muller 485-490.

oath in the presence of the same persons before exercising their office. And since it often happens that bishops have their own prisons, not shared with inquisitors, we wish and strictly command that the guards appointed by the bishop, or by the chapter while the see is vacant, and their assistants, shall take a similar oath before the inquisitors or their substitutes. Notaries of the inquisition shall also swear in the presence of the bishop and the inquisitor, or their substitutes, to exercise the office of notary faithfully. The same shall hold good of other persons necessary for the carrying out of this duty.

While it is a grave offence not to work for the extermination of heresy when this monstrous infection requires action, it is also a grave offence and deserving of severe punishment to impute maliciously such wickedness to the innocent. We therefore order bishops, inquisitors and their substitutes, in virtue of holy obedience and under threat of eternal damnation, that they proceed discreetly and promptly against those suspected of heresy, while not imputing maliciously or deceitfully such a disgraceful crime to an innocent person, or accusing him of hindering them in the execution of their office. If they fail, because of hatred, favour, affection, money or temporal advantage, to proceed against someone when they ought, against justice and their conscience, then the bishop or superior is suspended from office for three years and others incur automatic excommunication, in addition to other punishments imposed in accordance with the gravity of the offence. The same penalties apply if they presume for the same reasons to disturb someone with the imputation that he is a heretic or has hindered them in their duties. They shall obtain absolution from this excommunication only from the Roman pontiff, except at the hour of death, and then after making satisfaction. No privilege shall avail in this matter. We wish of course, with the approval of the sacred council, that any other rulings made by our predecessors concerning the office of the inquisition and not in conflict with the above are to remain in full force.¹

[27] We do not wish the splendour of the faith to be obscured, as it were by a dark shadow, by the indiscreet and wicked acts of any inquisitors of heresy. We therefore decree, with the approval of this sacred council, that nobody below the age of forty may be entrusted with the office of inquisitor. We enjoin very strictly on all commissaries of inquisitors or of bishops or, in vacant sees, of chapters that they do not, under pretext of the office of the inquisition, extort money by any unlawful means from anyone, or knowingly attempt to apply the property of churches, on account of the offences of clerics, even to the treasury of a church. If the commissaries disobey, we place them automatically under

¹ ch. 1 V 3 *Clementines* (Fr 2, 1181-1182); see among others, on decrees 26 and following, C. Douais, *Documents pour servir à l'histoire de l'inquisition dans le Languedoc*, I Paris 1900, XL, LXXII; Bernard Gui, *Manuel de l'inquisiteur*, ed. G. Mollat, I Paris 1926, XI-XII; Muller 485-590.

nimus ipso facto, a qua non possint absolvi, praeterquam in mortis articulo, donec illis, a quibus extorserint, plene satisfecerint de pecunia sic extorta, nullis privilegiis, pactis aut remissionibus super hoc valituris. Notarii vero et officiales dicti officii nec non fratres et socii inquisitorum et commissariorum ipsorum, qui dictos inquisitores aut commissarios s secrete noverint talia commisisse, si indignationem Dei et apostolicae sedis vitare voluerint et offensam, ipsos graviter arguere et corrigere studeant in secreto. Quod si taliter ea sciverint, ut ea probare valeant, si sit opus, haec praelatis inquisitorum et commissariorum eorundem, ad quos id pertinebit, nunciare sollicite debeant, qui equidem praelati inquisitores et commissarios praedictos reos inde repertos ab officiis amovere, et amotos alias punire debite seu corrigere teneantur. Praelatis autem inquisitorum id negligentibus agere, praemissa omnia nunciari per praedictos locorum ordinarios volumus, quibus, ut ea in apostolicae sedis notitiam perferant, in virtute sanctae oboedientiae districte praecipimus is et mandamus. Porro inquisitoribus ipsis districtius inhibemus, ut nec abutantur quomodolibet concessione portationis armorum, nec officiales nisi sibi necessarios habeant tales, qui se conferant ad sua cum inquisitoribus ipsis officia exsequenda.¹

[28] Ad nostrum, qui desideranter in votis gerimus, ut fides catholica 20 nostris prosperetur temporibus et pravitas haeretica de finibus fidelium extirpetur, non sine displicentia grandi pervenit auditum, quod secta quaedam abominabilis quorundam hominum malignorum, qui Beguardi, et quarundam infidelium mulierum, quae Beguinae vulgariter appellantur, in regno Alemanniae procurante satore malorum operum, damnabiliter 25 insurrexit, tenens et asserens doctrina sua sacrilega et perversa inferius designatos errores. Primo videlicet, quod homo in vita praesenti tantum et talem perfectionis gradum potest acquirere, quod reddetur penitus impeccabilis et amplius in gratia proficere non valebit. Nam, ut dicunt, si quis semper posset proficere, posset aliquis Christo perfectior inveniri. 30 Secundo, quod ieiunare non oportet hominem nec orare, postquam gradum perfectionis huiusmodi fuerit assecutus, quia tunc sensualitas est ita perfecte spiritui et rationi subiecta, quod homo potest libere corpori concedere quicquid placet. Tertio, quod illi, qui sunt in praedicto gradu perfectionis et spiritu libertatis, non sunt humanae subiecti oboedientiae, 35 nec ad aliqua praecepta ecclesiae obligantur, quia, ut asserunt, *ubi spiritus Domini, ibi libertas*². Quarto, quod homo potest ita finalem beatitudinem secundum omnem gradum perfectionis in praesenti assequi, sicut eam in vita obtinebit beata. Quinto, quod quaelibet intellectualis natura in se ipsa naturaliter est beata, quodque anima non indiget lumine gloriae, 40 ipsam elevante ad Deum videndum et eo beate fruendum. Sexto, quod se in actibus exercere virtutum est hominis imperfecti, et perfecta anima licentiat a se virtutes. Septimo, quod mulieris osculum, cum ad hoc natura non inclinet, est mortale peccatum, actus autem carnalis, cum

¹ c. 2 *V 3 in Clem.* (Fr 2,1182-1183).

» 2 Cor 3,17.

sentence of excommunication. They cannot be absolved, except at the moment of death, until they have made full satisfaction to those from whom they have extorted the money; all privileges, pacts and remissions are of no avail.

Notaries and officials of the inquisition, as also the brethren and associates of the inquisitors and commissaries, who have secret knowledge that the inquisitors and commissaries have committed such extortions, if they wish to avoid the indignation of God and of the apostolic see as well as offence to both, shall strive to correct the culprits severely in secret. If they have such knowledge as to be able to offer proof if need be, they should earnestly report the matter to the relevant superiors of the inquisitors and commissaries, and these superiors are obliged to remove from office those found guilty and then duly to punish or correct them in other ways. Superiors of inquisitors who fail to do this are to be informed of this decree by the local ordinaries, whom we strictly order in virtue of holy obedience to make known these affairs to the apostolic see. Furthermore, we strictly forbid the inquisitors themselves to abuse in any way the concession to carry arms, or to have any but the necessary officials for accomplishing the duties of their office.¹

[28] We entertain in our heart a deep longing that the catholic faith prosper in our time and that the perverseness of heresy be rooted out of Christian soil. We have therefore heard with great displeasure that an abominable sect of wicked men, commonly called Beghards, and of faithless women, commonly called Beguines, has sprung up in the realm of Germany. This sect, planted by the sower of evil deeds, holds and asserts in its sacrilegious and perverse doctrine the following errors.

First, that a person in this present life can acquire a degree of perfection which renders him utterly impeccable and unable to make further progress in grace. For, as they say, if someone could always make further progress, he could become more perfect than Christ. Secondly, that it is not necessary to fast or pray after gaining this degree of perfection, for then the sensitive appetite has been so perfectly subjected to the spirit and to reason that one may freely grant the body whatever pleases it. Thirdly, that those who have reached the said degree of perfection and spirit of liberty, are not subject to human obedience nor obliged to any commandments of the church, for, as they say, *where the spirit of the Lord is, there is freedom*². Fourthly, that a person can gain in this life final beatitude in every degree of perfection that he will obtain in the life of the blessed. Fifthly, that any intellectual nature in itself is naturally blessed, and that the soul does not need the light of glory to elevate it to see God and enjoy him blissfully. Sixthly, that the practice of the virtues belongs to the state of imperfection and the perfect soul is free from virtues. Seventhly, that to kiss a woman is a mortal sin since nature does not incline one to it, but the act of

¹ ch. 2 V 3 *Clementines* (Fr 2, 1182-1183).

² 2 Cor 3, 17.

ad hoc natura inclinet, peccatum non est, maxime cum tentatur exercens. Octavo, quod in elevatione corporis Iesu Christi non debent assurgere nec eidem reverentiam exhibere, asserentes quod esset imperfectionis eisdem, si a puritate et altitudine suae contemplationis tantum descenderent, quod circa ministerium seu sacramentum eucharistiae aut circa passionem humanitatis Christi aliqua cogitarent. Nonnulla etiam alia sub simulata quadam sanctitatis specie dicunt, faciunt et committunt, quae oculos divinae maiestatis offendunt¹ et grave in se continent periculum animarum. Cum autem ex debito commissi nobis officii huiusmodi
 10 sectam detestabilem et praemissos ipsius exsecrandos errores, ne propagentur ulterius et per eos corda fidelium damnabiliter corrumpantur, exstirpare ab ecclesia catholica² necessario habeamus, nos sacro approbante concilio sectam ipsam cum praemissis erroribus damnamus et reprobamus omnino, inhibentes districtius, ne quis ipsos de cetero teneat,
 is approbet vel defendat. Eos autem, qui secus egerint, animadversione canonica decernimus puniendos. Porro dioecesani et illarum partium inquisitores haereticae pravitatis, in quibus Beguardi et Beguinae huiusmodi commorantur, suum officium circa eos diligenter exercent, inquirentes de vita et conversatione ipsorum, qualiterve sentiant de articulis fidei et ecclesiae sacramentis. In illos vero, quos culpabiles repere-
 20 rint, nisi abiuratis sponte praedictis erroribus poenituerint et satisfactionem exhibuerint competentem, debitam exercent ultionem.²

[29] Ex gravi ad nos insinuatione pervenit, quod quorundam communitates locorum in offensam Dei et proximi ac contra iura divina
 25 pariter et humana usurariam approbantes quodammodo pravitatem, per statuta sua iuramento quandoque firmata usuras exigi et solvi nedum concedunt, sed ad solvendas eas debitores scienter compellunt, ac iuxta ipsorum continentiam statutorum gravia imponendo, plerumque usuras repetentibus onera, aliisque utendo super his diversis coloribus et fraudibus exquisitis, repetitionem impediunt earundem. Nos igitur, perniciosis
 30 his ausibus obviare volentes, sacro approbante concilio statuimus ut, quicumque communitatum ipsarum potestates, capitanei, rectores, consules, iudices, consilarii aut alii quivis officiales statuta huiusmodi de cetero facere, scribere vel dictare, aut quod solvantur usurae vel quod
 35 solutae, cum repetuntur, non restituantur plene ac libere, scienter iudicare praesumpserint, sententiam excommunicationis incurrant, eandem etiam sententiam incursuri, nisi statuta huiusmodi hactenus edita de libris communitatum ipsarum, si super hoc potestatem habuerint, infra tres menses deleverint, aut si ipsa statuta sive consuetudines, effectum
 40 eorum habentes, quoquo modo praesumpserint observare. Ceterum quia feneratores sic ut plurimum contractus usurarios occulte ineunt et dolose, quod vix convinci possunt de usuraria pravitare, ad exhibendum, cum de usuris agetur, suarum codices rationum censura ipsos decernimus ecclesiastica compellendos. Sane si quis in illum errorem inciderit, ut
 45 pertinaciter affirmare praesumat, exercere usuras non esse peccatum,

¹ Cf. Is 3, 8. ² c. 3 V 3 in *Clm.* (Fr 2,1183-1184); cf. supra ad [16].

intercourse is not a sin, especially in time of temptation, since it is an inclination of nature. Eighthly, that at the elevation of the body of Jesus Christ, they ought not to rise or show reverence to it; it would be an imperfection for them to come down from the purity and height of their contemplation so far as to think about the ministry or sacrament of the eucharist, or about the passion of Christ as man. With the counterfeit appearance of sanctity they say and do other things also that offend the eyes of the divine majesty¹ and constitute a grave danger to souls.

Since the duty of the office committed to us obliges us to extirpate from the catholic church this detestable sect and the above execrable errors, lest they be further propagated and corrupt the hearts of the faithful, we condemn and utterly reject, with the approval of the sacred council, the sect itself and the errors described above, and we strictly forbid anyone henceforth to hold, approve or defend the errors. We decree that those who act otherwise are to be punished with canonical censure. The diocesans and the inquisitors of heresy for the regions where these Beghards and Beguines live, are to exercise their office with special care concerning them, making inquiries about their life and behaviour and about their beliefs in relation to the articles of faith and the sacraments of the church. They are to impose due punishment on those whom they find guilty, unless there is voluntary abjuration of the above errors and repentance with fitting satisfaction.²

[29] Serious suggestions have been made to us that communities in certain places, to the divine displeasure and injury of the neighbour, in violation of both divine and human law, approve of usury. By their statutes, sometimes confirmed by oath, they not only grant that usury may be demanded and paid, but deliberately compel debtors to pay it. By these statutes they impose heavy burdens on those claiming the return of usurious payments, employing also various pretexts and ingenious frauds to hinder the return. We, therefore, wishing to get rid of these pernicious practices, decree with the approval of the sacred council that all the magistrates, captains, rulers, consuls, judges, counselors or any other officials of these communities who presume in the future to make, write or dictate such statutes, or knowingly decide that usury be paid or, if paid, that it be not fully and freely restored when claimed, incur the sentence of excommunication. They shall also incur the same sentence unless within three months they delete from the books of their communities, if they have the power, statutes of this kind hitherto published, or if they presume to observe in any way these statutes or customs. Furthermore, since money-lenders for the most part enter into usurious contracts so frequently with secrecy and guile that they can be convicted only with difficulty, we decree that they be compelled by ecclesiastical censure to open their account books, when there is question of usury. If indeed someone has fallen into the error of presuming to affirm pertinaciously that the practice of usury is not sinful, we decree that he is to be punished as a

¹ See Is 3, 8.

² ch. 3 V 3 *Clementines* (Fr 2, 1183-1184); see above at [16].

decernimus cum velut haereticum puniendum, locorum nihilominus ordinariis et haereticae pravitatis inquisitoribus districtius iniungentes, ut contra cos, quos de errore huiusmodi diffamatos invenerint aut suspectos, tanquam contra diffamatos vel suspectos de haeresi procedere non omittant.¹

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[30] Frequens et assidua nos quorundam religiosorum querela circumstrepit, quod plerique episcopi et eorum superiores, et ceteri ecclesiarum praelati ipsorum religiosorum quietem iniuste in subsequentibus multipliciter inquietant. Quidam enim exemptos capiunt et incarcerationem in casibus non concessis a iure. Quidam per gravium interminationem poenarum impediunt, ne debentes exemptis decimas seu redditus illos solvant eisdem neve aliqui missas eorum audiant. Molentes in molen-
dinis et coquentes in fumis eorum, servientes quoque et vasallos et domesticos eorundem vel alios qualitercunque contrahentes et participantes cum ipsis suspendunt, interdiciunt et excommunicant absque causa rationabili pro libito voluntatis, bona illorum interdum nihilominus illicito occupantes. Et appellationibus, quas praedicti exempti ob praedicta vel alia gravamina rationabiliter interponunt quandoque, minime deferentes, appellantes occasione appellationum huiusmodi interdum capiunt aut capi faciunt et carceri mancipari. Quidam praeterea capellanos in ecclesiis, pleno iure spectantibus ad eosdem, licet nulla causa subsit legitima, celebrare non sinunt nec ministrare parochianis ecclesiastica sacramenta. Nonnulli etiam indebite abbates, monachos et conversos exemptos nec non et clericos ipsis pleno iure subiectos, si eis non pareant in his etiam, in quibus non tenentur eisdem, inconsulta facilitate suspendunt, excommunicant, capiunt et incarcerationem, ac loca et ecclesias interdiciunt ipsorum. In exigendo insuper ab ipsis exemptis ipsorumque subditis subsidia caritatis excedunt nimium contra eos. Et insolitas ac indebitas ipsis contra iura exactiones imponunt. Novos census et indebita onera parochialibus imponunt ecclesiis, in quibus exempti ius obtinent patronatus. Processus iuste factos seu sententias iuste latas a delegatis sedis apostolicae vel a conservatoribus pro exemptis publicari seu executioni mandari a suis subditis non permittunt. Tabellionibus publicis inhibent, ne instrumenta conficiant, et iudicibus, ne iustitiam faciant, ac iurisperitis, ne consilium vel auxilium praebeant in causis seu negotiis eorundem. Praesentatos per exemptos ad ordines vel beneficia, quorum praesentatio ad eos pertinet, nolunt admittere, nisi praesentantes ponant oboedientiam in salutatione litterarum, quas pro huiusmodi praesentatione transmittunt. Ecclesiis quoque vacantibus, in quibus monasteria ius obtinent patronatus, repulsis personis idoneis praesentatis ad eas, personas instituunt inhabiles et indignas. Quidam etiam ecclesias curam animarum habentes, ad mensam abbatum spectantes, quarum fructus quandoque

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¹ c. un. V 5 in *Clem.* (Fr 2,1184); cf. F. Schneider, *Das kirebliche Zinsverbot und die kuriale Praxis im 13. Jahrhundert*, Festgabe ... H. Finke ..., Munster i. W. 1904,145; A. M. Knoll, *Der Zins in der Scholastik*, Innsbruck 1933, 161-162; Mulier 618-620; T. P. McLaughlin, *The Teaching of the Canonists on Usury* — *Mediaeval Studies* 1 (1939) 84; 2 (1940) 10-12.

heretic; and we strictly enjoin on local ordinaries and inquisitors of heresy to proceed against those they find suspect of such error as they would against those suspected of heresy.¹

[30] Complaints, loud, frequent and incessant come to us from certain religious that very many prelates — bishops, their superiors and others — unjustly disturb in many ways the peace of the religious. Some of them seize and imprison exempt religious when the law does not permit this. Some, by threat of severe penalties, hinder those who owe tithes or revenues to exempt religious from paying and prevent people from hearing their masses. They suspend, interdict and excommunicate without reasonable cause the millers of the religious, their cooks, servants, vassals, and members of household, and anyone who has any relation with them, occasionally also seizing unlawfully their goods. They in no way submit to the appeals which the said exempt religious sometimes make with good reason, because of the foregoing or other oppressions. They now and then seize the appellants on the occasion of these appeals, or they have them seized and thrown into prison.

There are some prelates, moreover, who without lawful cause do not permit chaplains to celebrate nor to administer the sacraments to the parishioners in churches belonging fully and lawfully to the exempt religious. There are even some prelates who with indiscreet haste unjustly suspend, excommunicate, seize and imprison exempt abbots, monks and laybrothers, as also clerics legally subject to them, and lay under interdict their churches and houses, if they do not obey even in matters where there is no obligation. In addition, the prelates exceed all measure in claiming charitable aid from the exempt religious themselves and from those subject to them. Contrary to law they make demands which are unjust and unusual. They lay new taxes and unfair burdens on parish churches in which exempt religious have the right of patronage. They do not permit legal actions and decisions justly made in favour of the exempt religious, by delegates of the apostolic see or by conservators, to be made public or to be put into execution by their subjects. They restrain public notaries from drawing up instruments, judges from administering justice, and lawyers from giving counsel or aid in the suits or legal business of the exempt religious.

The prelates also refuse to admit to orders or benefices those presented by exempt religious who have the right of presentation, unless the presenters profess obedience in the greeting of the letter of presentation. Furthermore, these prelates, when the churches for which monasteries have the right of patronage become vacant, turn away the suitable persons presented to them and appoint people who are incompetent and unworthy. Certain prelates confer churches, which have the cure of souls and belong to the table maintenance of abbots, and the revenues of which they sometimes hand over for a rent to secular

¹ ch. 1 V 5 *Clementines* (Fr 2, 1184); see F. Schneider, *Das kirchliche Zinsverbot und die kuriale Praxis im 13. Jahrhundert*, Festgabe ... H. Finke ..., Münster in Westphalia 1904, 145; A. M. Knoll, *Der Zins in der Scholastik*, Innsbruck 1933, 161-162; Müller 618-620; T. P. McLaughlin, *The Teaching of the Canonists on Usury* ..., *Mediaeval Studies* 1 (1939) 84; 2 (1940) 10-12.

clericis saecularibus tradunt scu concedunt ad firmam, clericis ipsis de-
 dentibus suis conferunt clericis, quanquam ipsae propter hoc ecclesiae
 in veritate non vacent. Nonnulli quoque in ecclesiis monachorum iura
 ipsorum iniuste sibi appropriant, et de ipsorum redditibus ut volunt ordi-
 5 nant ita, quod rectoribus earum non remanet unde valeant sustentari.
 Quidam cum armis et erecto vexillo molendina et alia bona contra justi-
 tiam destruunt exemptorum, quae etiam tanto tempore possederunt, quod
 de contrario memoria non existit. Mittuntque frequenter ad monasteria
 suarum civitatum et dioecesum suos consanguineos et nepotes et inter-
 10 dum animalia sua cum custodibus, ut eis de bonis monasteriorum debeat
 provideri. Abbates insuper et priores monasteriorum frequenter compel-
 lunt, ut suis consanguineis et nepotibus monasteriorum suorum seu
 prioratum possessiones concedant in perpetuum vel ad tempus, quas
 quidem concessionem vel pensionem nos nullas esse volumus ipso iure.
 15 Eisdem quoque abbates et priores quandoque compellunt ad praesen-
 tandum sibi ad ecclesias vacantes, in quibus ius obtinent patronatus, et
 ad monachandum interdum suos familiares, consanguineos vel nepotes.
 Frequenter etiam permittunt et tacite consentiunt, quod in suo dominio
 temporali per milites, vasallos et ipsorum temporales officiales monaste-
 20 riorum bona mobilia et immobilia per violentiam occupentur in casibus
 non permissis a iure, et aliae variae iniuriae personis ecclesiasticis et
 monasteriorum hominibus irrogentur. Praeterea interdum iniuste ab-
 bates, priores ac alios b n fici tes beneficiis suis privant, ut si fructus
 beneficiorum illorum percipere valent primo anno praetextu privilegii,
 quod asserunt se habere, quod usque ad certum tempus fructus benefi-
 ciorum vacantium possint percipere primi anni. Quibus non contenti
 equos, boves, thesaurum et alia bona monasteriorum et beneficiorum
 vacantium illicite occupant, quae essent futuris successoribus reservanda.
 Quidam militibus et aliis potentibus dignitatum suarum redditus et pro-
 30 ventus vendunt ad tempus, ut per ipsos exempti vicini fortius oppriman-
 tur. Nonnulli etiam indebite monasteria dirimunt. Alii domos et hospi-
 talia et alia bona monasteriorum mobilia et immobilia frequenter occupant
 et detinent occupata. Pluries quoque sine causa iusta impediunt, ne
 exempti loca sua valeant reparare. Quidam statuta faciunt, per quae
 derogatur privilegiis exemptorum. Et generaliter quam plures praelati
 religiosi, praesertim exemptis et privilegiatis, in personis et rebus suis ac
 iuribus spiritualibus et temporalibus graves inferunt contra justitiam et
 eorum privilegia iniurias et iacturas. Verum quia una est regularium et
 saecularium praelatorum et subditorum exemptorum et non exempto-
 rum universalis ecclesia, extra quam nullus omnino salvatur, quorum
 omnium *unus est Dominus, una fides et unum baptisma*¹, decet ut omnes,
 qui eiusdem sunt corporis, unius etiam sint voluntatis et sicut fratres
 adinvicem vinculo caritatis sint adstricti. Decet igitur ut et praelati et
 alii tam exempti quam non exempti suis iuribus sint contenti, et alter in
 alterius iniuriam non prosiliat seu iacturam. Universis itaque praelatis

» Eph 4, 5.

clerics, on their own clergy at the death of those secular clerics, even though the churches because of this are not truly vacant. Some prelates appropriate unjustly for themselves the rights of monks in churches belonging to monasteries, and so regulate the disposal of the revenues that not enough remains for the livelihood of the rectors.

Some prelates, armed and with standards hoisted, destroy the mills and other property of exempt religious, disregarding all justice, even when the religious have been in possession from time immemorial. Prelates also often send their relatives and nephews to the monasteries in their cities and dioceses, occasionally with their animals and herdsmen, with the demand that they be provided for. Often also prelates compel abbots and priors of monasteries to grant the possessions of their monasteries or priories to their kindred and nephews either perpetually or for a period; these grants or pensions we wish to be of no consequence in law. They also compel the abbots and priors to present to them for vacant churches in which the monks have the right of patronage, and occasionally to receive into their order, their friends, kindred and nephews. Frequently also they permit and tacitly consent to the seizure, in the prelates' temporal domains, of movable and immovable property of the monasteries in cases not permitted by law, by the prelates' soldiers, vassals and secular officials. They also outrage in various other ways both the clerical and lay persons of the monasteries.

Besides, the prelates occasionally deprive unjustly of their benefices abbots, priors and others, so that if they can take the revenues of the benefices in the first year, under pretext of a privilege which they claim to have, then they may be able to receive the first year's revenues of vacant benefices for a certain time. Not content with this, they seize unlawfully horses, cattle, treasure and other property of monasteries and vacant benefices which should be reserved for posterity. Some prelates sell for a time to knights and other powerful persons the revenues and incomes of their dignities, in order to oppress the neighbouring exempt religious more heavily by means of these people. Some even destroy monasteries without just cause. Others often seize houses, hospitals and other property of the monasteries, both movable and immovable, and retain what they have seized. Many times also, without just cause, they prevent exempt religious from repairing their houses. Certain prelates enact statutes derogatory to the privileges of the exempt religious. And in general, very many prelates unjustly inflict grave injury and loss on religious, especially on those who are exempt and have privileges: on their persons, property and rights, both spiritual and temporal.

Since however there is for both regulars and seculars, for superiors and subjects, for exempt and non-exempt, one universal church, outside of which there is no salvation, for all of whom there is *one Lord, one faith and one baptism*¹, it is right that all who are of the same body should be of one will, and as brethren bound to one another by the bond of charity. It is right therefore that both prelates and others, exempt and non-exempt, should be content with their rights and abstain from inflicting injury or loss on one another. We therefore

¹ Eph 4, 5.

ecclesiarum praesentis sanctionis edicto districte praecipiendo mandamus, quatenus ipsi, a praedictis gravaminibus omnino cessantes et cessare suos subditos facientes, viros religiosos exemptos, privilégiâtes et non exemptos, mendicantes et non mendicantes, caritative tractent et foveant, et sua iura et privilegia inviolabiliter eis servant. Et quoniam plus solet timeri 5 quod specialiter, quam quod generaliter inhibetur, eisdem praelatis districtissime inhibemus, ut abbates, priores et alios religiosos, ne ad sua generalia vel provincialia vadant capitula, impedire quomodolibet non praesumant.¹

[31]. Religiosi, qui clericis aut laicis sacramentum unctionis extremae 10 vel eucharistiae ministrare, matrimoniave solemnizare, non habita super his parochialis presbyteri licentia speciali, aut qui excommunicatos a canone, praeterquam in casibus a iure expressis vel per privilegia sedis apostolicae concessis eisdem vel a sententiis per statuta provincialia aut synodalia promulgatis, seu (ut verbis eorum utamur) a poena et culpa 15 absolvere quemquam praesumpserint, excommunicationis incurrant sententiam ipso facto, per sedem apostolicam dumtaxat absolvendi, quos etiam locorum ordinarii, postquam de hoc eis constiterit, excommunicatos faciant publice nunciari, donec de absolutione ipsorum eis fuerit facta fides, nullo religiosus eisdem super hoc exemptionis vel alio privilegio suffragante. Quibus etiam in virtute sanctae oboedientiae et sub interminatione maledictionis aeternae districtius inhibemus, ne in sermonibus suis ecclesiarum praelatis detrahant aut etiam retrahant laicos ab ecclesiarum suarum frequentia vel accessu, seu indulgentias pronuncient indiscretas, neve, cum confectionibus testamentorum intererunt, a restitutionibus debitis aut legatis matricibus ecclesiis faciendis retrahant testatores, nec legata vel debita aut male ablata incerta sibi aut aliis singularibus sui ordinis fratribus vel conventibus in aliorum praeiudicium fieri seu erogari procurent, nec etiam in casibus sedi apostolicae aut locorum ordinariis reservatis quemquam absolvere, aut personas ecclesiasticas, praesertim coram iudicibus delegatis a nobis suam contra eos iustitiam prosequentes vexare indebite, aut ad loca plura et praesertim multum remota convenire praesumant. Si qui vero praemissa vel aliquod de praemissis attentare praesumpserint, per duos menses subiaceant poenis illis, quae secundum eorum régulam vel statuta pro gravibus criminibus seu culpis eis consueverunt imponi, super quibus absque manifesta necessitate cum eis non valeat dispensari. Ceterum praelati eorum, nisi de his, quae occasione praemissorum excessuum ad eos quoquo modo pervenerint, ecclesiis aut personis ecclesiasticis damnificatis vel laesis satisfactionem plenariam exhibuerint infra mensem, postquam super hoc 40 fuerint requisiti, suspensionis sententiam usque ad satisfactionem debitam eo ipso incurrant, non obstantibus praemissis statutis aut quibuscumque privilegiis, cuiuscunque tenoris existant. Sane religiosus illis, quibus est ab apostolica sede concessum, ut familiaribus suis domesticis aut pauperibus, in hospitalibus suis degentibus, sacramenta possint ecclesiastica 45

¹ c. un. V 6 in *Clem.* (Fr 2,1185-1186); cf. Müller 552-556.

strictly command, by the present decree, all prelates of churches that they desist altogether from the oppression described above, and see to it that their subjects do likewise. They are to treat religious men, whether exempt or having privileges or non-exempt, both mendicant and non-mendicant, with charity, and they are to encourage them. They are to respect their rights and privileges as inviolable. And since what is specially forbidden is feared more than what is forbidden merely in general, we forbid most strictly that prelates presume to hinder in any way abbots, priors and other religious from going to their general or provincial chapters.¹

[31] Religious who presume to administer the sacrament of extreme unction or the eucharist to clerics or lay people or to solemnise marriages, without the special leave of the parish priest, or to absolve those excommunicated by canon law, except in cases expressed in law or granted to them by privilege of the apostolic see, or those excommunicated by sentences promulgated by provincial or synodal statutes, or (to use their own words) to absolve anyone from punishment and guilt, incur automatic excommunication. They are to be absolved only by the apostolic see. The local ordinaries are to announce publicly that they are excommunicated, once this is established, until notified of their absolution. The religious can make no valid appeal in this matter to any exemption or privilege. We also strictly forbid religious, in virtue of holy obedience and under threat of eternal malediction, to disparage prelates in their sermons or to draw the laity away from their churches, to publish false indulgences, to restrain testators, when present at the making of their wills, from making due restitutions or legacies to their mother churches, or to bring about that money legacies, or money owed or perhaps unjustly taken, should come or be bequeathed to themselves or to other individuals of their order, or to their houses, to the detriment of other people. Nor are they to absolve anyone in cases reserved to the apostolic see or to the local ordinaries. They are not to annoy unreasonably ecclesiastical persons who prosecute justice against them, especially before judges delegated by us, nor are they to bring them to court in more than one place, especially if these places are distant.

Those who presume to act contrary to this decree are subject for two months to the penalties usually imposed by their rule or statutes on those who commit grave crimes or faults. Dispensation shall not be granted without manifest necessity. Their superiors, besides, unless after these excesses they make full satisfaction within a month to the churches or ecclesiastical persons harmed or offended, after being required to do so, incur automatic suspension until they have made due satisfaction, notwithstanding statutes or privileges of whatever tenor. Of course the religious who have been granted permission by the aposto-

¹ ch. 1 V 6 *Clementines* (Fr 2, 1185-1186); see Müller 552-556.

ministrare, nullum ex praemissis volumus quoad hoc praeiudicium generari.^{1*}

[32] Archiepiscopo, per quaevis loca exempta suae provinciae facienti transitum aut ad ea forsitan declinanti, ut crucem ante se libere portari faciat, ¹ edicat populo, divina officia privatim vel publice ibidem audiat, et ea etiam in pontificalibus celebret et faciat in sua praesentia sine pontificalibus celebrari, quovis privilegio contrario non obstante, sacro approbante concilio praesentis constitutionis serie duximus concedendum. Simili modo concedimus episcopo, ut in locis eisdem suae dioecesis possit populo benedicere, audire divina officia, et ea etiam celebrare et in sua praesentia facere celebrari, sic tamen, quod praetextu concessionis huiusmodi in locis ipsis exemptis vel circa hoc privilegiatis nullam aliam iurisdictionem idem archiepiscopus vel episcopus exerceat, nec personis exemptis vel privilegiatis molestiam inferat, vel gravamen nullumque exemptioni vel privilegiis eorundem aliud praeiudicium generetur, nec ipsis archiepiscopo vel episcopo ius aliud quomodolibet acquiratur.³

[33] Si quis suadente diabolo in hoc sacrilegii genus proruperit, quod quemvis pontificem iniuriose vel temere percusserit aut ceperit seu banniverit, vel haec mandaverit fieri aut facta ab aliis rata habuerit, vel socius in his fuerit facientis, aut consilium in his dederit aut favorem, seu scienter defensaverit eundem, in illis casibus de praedictis, in quibus excommunicationem per iam editos canones non subiret, sit huius nostrae constitutionis auctoritate, non obstante quacunque consuetudine, quam reputamus approbante sacro concilio potius corruptelam, anathematis mucrone percussus, a quo nequeat, nisi per summum pontificem, praeterquam in articulo mortis, absolvi. A feudis insuper, locationibus, officiis et beneficiis spiritualibus sive temporalibus, quae ab ecclesia, cui sic offensus praeest episcopus, obtinet, cadat hoc ipso ac ad eandem ecclesiam libere revertantur. Ipsius filii, per masculinam descendentes lineam usque ad generationem secundam, omni spe dispensationis adempta, reddantur ipso facto inhabiles ad ecclesiastica beneficia in civitate et dioecesi, in quibus idem episcopus praesidet, obtinenda. Terra quoque ipsius, dum tamen ultra unam dioecesim non contineat, usque ad condignam satisfactionem eiusdem, nec non locus aut loca, in quibus captus episcopus detinebitur, quamdiu detentio ipsa in eisdem duraverit, ecclesiastico subiaceant interdicto. Quod si terra eiusdem duas dioeceses vel ultra contineat, dioecesis domicilii principalis ipsius, et illa etiam in qua fuerit delictum commissum, si sua sit, et duae aliae, quae sub ipso sint eidem loco magis vicinae, interdicto subiaceant supra dicto. Et quia eo maior erit ipsius confusio, quo sua fuerit culpa patentior, quousque dignam satisfactionem praestiterit, per omnes illius loci, in quo commissum est facinus, nec non civitatum et dioecesum vicinarum ecclesias,

¹ c. 1 V 7 in *Clem.* (Fr 2,1186-1187); cf. inter alios, de c. 31 et sq., R. Breitschopt, *De regularium exemptione*, Studien und Mitteilungen aus dem Benedictiner- und dem Cistercienser-Orden 22 (1900) 260-261; Mulier 536-539.

¹ c. 2 V 7 in *Clem.* (Fr 2,1187); cf. Mulier 561-562.

lie see to administer the sacraments to members of their household or to the poor in their hospices, are not affected by this decree.¹

[32]. With the approval of the sacred council, we grant by this present constitution to an archbishop passing through, or perhaps turning aside, to exempt localities of his diocese to have the cross carried openly before him, to bless the people, to hear the divine offices there privately or publicly, also to celebrate them in pontificals and to have them celebrated in his presence without pontificals, notwithstanding any contrary privilege. In like manner we grant to a bishop that in exempt localities of his diocese he may bless the people, hear the divine offices and celebrate them there, as also have them celebrated in his presence. Under pretext of this concession, however, the archbishop or bishop may exercise no other jurisdiction in the exempt or privileged localities. He is not to annoy the exempt or privileged persons; there should be no cause for complaint and nothing prejudicial to the exemption or privileges of the religious. The archbishop or bishop does not acquire by this decree any other right.²

[33]. If anyone at the instigation of the devil has committed the sacrilege of wrongfully and rashly striking a bishop, or of seizing or banishing him, or has ordered these things to be done, or approved them when done by others, or been an accomplice, or given advice or shown favour, or knowingly defended the guilty, and has not incurred excommunication by canons already published, he is excommunicated by this our present constitution, notwithstanding any custom to the contrary. Indeed, with the approval of the sacred council, we consider such a custom to be a corruption, and the culprit may be absolved by the supreme pontiff only, except at the moment of death. In addition, he shall lose all fiefs, estates, offices and benefices, whether spiritual or temporal, which he holds from the church over which the offended bishop presides. All these shall revert freely to that church. The offender's descendants in the male line to the second generation shall be disqualified, without hope of dispensation, from holding ecclesiastical benefices in the city and diocese of the bishop. The offender's estates also, when within one diocese, shall lie under interdict until he has made due satisfaction. The place where the captured bishop is detained shall likewise be under interdict for as long as he remains detained. If the criminal's estates include two or more dioceses, then the diocese of his principal domicile and the diocese where the crime was committed, if the land is his, and two other dioceses which belong to his territory and are nearest to the place of the crime, shall lie under the same interdict.

Since his confusion will increase the more his offence is known, his excommunication will be announced in public, with the ringing of bells and candles burning, until he has made due satisfaction, in all the places where the crime was

¹ ch. 1 V 7 *Clementines* (Fr 2, 1186-1187); see among others, on decrees 31 and following, R. Breitschopf, *De regularium exemptione*, Studien und Mitteilungen aus dem Benedictiner- und dem Cistercienser-Orden 22 (1900) 260-261; Müller 536-539.

² ch. 2 V 7 *Clementines* (Fr 2, 1187); see Müller 561-562.

quibuslibet diebus dominicis et festivis, pulsatis campanis et candelis accensis, eicommunicatus publice nuncietur. Et cum absolvendus fuerit, sufficienter et idonee caveat, quod inferendae poenae parebit, et auxiliante Domino litem peraget iniungendam. Civitas autem, quae praemissa vel eorum aliquod in episcopum suum commiserit, interdicto, donec satisfecerit, subiaceat memorato. Potestas vero, consiliarii, ballivus, scabini, advocati, consules, rectores et officiales ipsius quocunque nomine censeantur, in praemissis culpabiles existentes, similiter excommunicationis sententiae, a qua, nisi ut praemittitur, non valeant absolutionis obtinere beneficium, sint subiecti. Quae omnia tanto magis in episcoporum interfectores sunt servanda, quanto in eos severior, quam in praefatos poena debet exsurgere, et gravioris indignationis aculeus desaevire. Nec super haec quisquam miretur, quod praemissa perpetrantibus poenas non inferimus graviores. Licet enim, quod dicere pudet, haec pro dolori frequenter occurrant, multisque grassantibus opus esset exemplo, et ex dignitate offensi poenam metiri deceat offendentis, episcopi enim dicuntur sanctissimi, Christi legati existunt, spirituales sunt patres, nostrique fratres et coepiscopi, columnae comprobantur ecclesiae, quare gravem oporteret esse poenam culpae violantis dignitatem tantae praeminentiae adaequandam, volumus tamen ad praesens in poenarum exaggeratione temperare rigorem, ad poenas alias processuri, si protervitatem delinquentium hoc exposcere videamus. Sane si quis in aliquo casuum praedictorum fuerit ab excommunicationis sententia in mortis articulo absolutus, nisi postquam pristinae restitutus fuerit sanitati, quam cito commode poterit, conspectui Romani pontificis se praesentare curaverit, eius mandatum humiliter recepturus, prout iustitia suadebit, in eandem excommunicationis sententiam reincadat ipso facto. Quamvis enim super hoc satis plene in iure alibi sit provisum, ne tamen aliquis in hoc ex ignorantia iuris se satagat excusare, hoc expresse praemissis duximus adnectendum.¹

[34] Multorum ad nos gravis querela deduxit, quod nonnulli, obtinentes temporale dominium, viros saepe ecclesiasticos capere captosque, donec sua resignent beneficia, aut ne citati ad apostolicam sedem ab homine vel a iure venire ad ipsam valeant, ausu detinere sacrilego non verentur, citatos eosdem in exitu eorum districtum ut plurimum capientes. Considerantes igitur, quantum ex his tam nostro et apostolicae sedis honori quam personarum ecclesiasticarum quieto et prospero statui non sine damnanda exempli perniciie derogetur, sacro approbante concilio statuimus, ut praeter sententiam canonis, quam facientes et fieri procurantes praemissas incurrere dignoscuntur, procurantes ipsi, personae ecclesiasticae existentes, a perceptione fructuum ecclesiarum suarum, si fuerint praelati, triennio sint suspensi. Quod si inferiores exstiterint, eo ipso obtentis beneficiis sint privati, illis poenam incursum eandem, qui ne citati, ut praemittitur, ad sedem apostolicam veniant, sed ut se obtentu huiusmodi a veniendo excusent, a potestate saeculari se capi, ut interdum

¹ c. 1 V 8 in *Ckm.* (Fr 2,1187-1188); de c. 33 et 34 cf. Miiller 475-479.

committed, as also in the churches of the neighbouring cities and dioceses, on all Sundays and feastdays. And when he is to receive absolution, let him be well prepared to undergo the punishment imposed and, with the help of God, to perform the penance enjoined on him. The city, moreover, that has committed any of the crimes described above against its bishop, shall be placed under the above-mentioned interdict until it has made satisfaction. The authorities, counsellors, bailiffs, magistrates, advocates, consuls, governors and officials of any description who are at fault in this affair, are likewise subject to excommunication from which they can be absolved only in the manner stated above. All these instructions shall be observed all the more strictly in dealing with those who kill bishops, since they should be punished more severely than the offenders already mentioned and merit greater indignation.

Let nobody be surprised that we do not inflict heavier punishment on those who perpetrate the above crimes. Alas! shameful to relate, these crimes are of frequent occurrence, and for the many men of violence an example is needed. The punishment of the offender ought to be in proportion to the dignity of the person wronged. Bishops are called most holy, are Christ's ambassadors, spiritual fathers, our brothers and fellow bishops, the acknowledged pillars of the church. The punishment, then, ought to be heavy, proportionate to the guilt of one who violates the dignity of such an eminent person. However, we wish to mitigate the severity of the punishment for the present, being prepared to impose other penalties if we see that the offenders' insolence demands such action. If of course anyone involved in the above cases has been absolved at the moment of death from excommunication, he shall incur automatically the same sentence if after recovery he does not, as soon as conveniently possible, present himself before the Roman pontiff in order to receive humbly his commands, as justice shall advise. Although this has been fully enough provided for elsewhere in the law, we thought it well to make this addition, lest someone from ignorance of the law should busy himself to find excuses.¹

[34] Many serious complaints have reached us that some who hold temporal power do not hesitate to capture ecclesiastics frequently and detain them with sacrilegious audacity until they resign their benefices, nor to prevent those summoned to the apostolic see by someone or by law from going there, for the most part seizing them as they depart. In view of the great offence to our honour and that of the apostolic see, as also to the peace and welfare of ecclesiastical persons, not to speak of the damnable scandal, we, with the approval of the sacred council, decree that, in addition to the penalty attached by the canon to such deeds, those who bring them about, if prelates, are suspended for three years from receiving the revenues of their churches. If they are lower clergy, they are automatically deprived of their benefices. Those who have brought about their own capture by the secular power— this, we have heard, sometimes occurs — as a pretext for not obeying a summons to the apostolic see, are to

¹ ch. 1 V 8 *Clementines* (Fr 2, 1187-1188); on decrees 33 and 34, see Müller 475-479.

contigisse audivimus, procurarint. Sane resignationes beneficiorum, modo supra dicto extortas, licet a resignantium ipsorum praelatis receptae aut ratae habitae fuerint, nullius omnino decernimus esse firmitatis, locorum ordinariis iniungentes, ut postquam eis constiterit, aliquos sibi subiectos s poenam et sententiam incurrisse praemissas, ipsas publicare non differant, executionique debitae, prout ad eos pertinuerit, demandare.¹

[35] Cupientes eos, quos ad observantiam iurium virtutum praemia non inducunt, tam adiectarum exaggeratione poenarum quam adiciendarum de novo formidine a temerariis ausibus refrenare, transgressores io constitutionis², quae religiosis mendicantibus domos ad habitandum vel loca quaecunque de novo recipere, recepta hucusque mutare vel ea transferre in alios cuiusvis alienationis titulo interdicit, illos etiam religiosos, qui aliqua, ut audientes a decimarum ecclesiis debitarum solutione retrahant, in sermonibus suis vel alibi proferre praesumunt, excommuni- 15 cationis subiacere sententiae decernimus ipso facto. Et quia, nisi fiat, quod bonum est, a malo abstinere non sufficit, religiosis omnibus iniungimus sub obtestatione divini iudicii et interminatione maledictionis aeternae, ut quoties populo praedicabunt in prima dominica, quarta et ultima quadragesimae, et in festis adseensionis dominicae, pentecostes, nativita- 20 tatis beati Ioannis Baptistae, assumptionis et nativitatis beatissimae virginis Mariae matris Dei, audientes expresse studeant informare, si ab ecclesiarum rectoribus vel vicariis aut loca tenentibus eorundem requisiti fuerint, nec non et his, quorum confessiones audient, conscientiam facere, quod decimas solvere non omittant. Quod si forte in praedicationi- 25 bus hoc ipsum supra dictis diebus suadere scienter omiserint, per superiores eorum graviter arguantur. Quibus etiam superioribus in virtute sanctae oboedientiae districte praecipimus, ut contra taliter omittentes statuta poenalia faciant, secundum quae sic acriter puniant transgressores, quod poena eorum sit ceteris in exemplum, constitutione bonae memoriae μ Gregorii papae IX³ praedecessoris nostri circa haec edita in suo nihilo- minus robore duratura. Qui vero scienter postposuerint confitentibus conscientiam facere de solvendis huiusmodi decimis, ab officio praedi- cationis tamdiu maneant ipso facto suspensi, donec confitentibus ipsis, si hoc ipsum sibi dicendi commode facultatem habuerint, conscientiam 35 fecerint, exinde excommunicationis incursum sententiam ipso facto, si praedicare praesumpserint, praedicta negligentia, ut praemittitur, non purgata; ad religiosos tamen monasteriorum vel rectores ecclesiarum decimas percipientium nolumus hoc extendi. Sane temerarios violatores constitutionis illius*, quae religiosis et clericis saecularibus prohibet, ne <0 aliquos ad vovendum, iurandum vel fide interposita seu alias promitten- dum inducant, ut sepulturam apud eorum ecclesias eligant vel iam elec- tam ulterius non immutent, similem sententiam (poena in dicta consti- tutione contenta in suo perdurante robore), incurrere volumus ipso facto, ab alio quam a sede apostolica, praeterquam in mortis articulo, nullatenus

¹ c. 2 V 8 in *Clem.* (Fr 2,1188-1189).

» Cf. c. un. V 6 in *VI*^o (Fr 2,1082).

² Cf. c. 1 III 13 in *VI*^o (Fr 2,1048).

* Cf. c. 1 HI 12 in *VI*^o (Fr 2,1045-1046).

incur the same penalty. Resignations of benefices extorted in the above manner, although accepted and ratified by the prelates of those who resign, have no validity whatever. We enjoin on local ordinaries that, after learning that subjects of theirs have incurred these penalties, they do not delay in publishing them and, as far as it concerns them, they put the penalties into execution.¹

[35] Desiring to restrain those whom the rewards of virtue do not induce to observe the law, by the addition of new penalties and by fear of those to be added, we decree that transgressors of the constitution² which forbids mendicant religious to acquire houses or places of any kind, or to exchange those already acquired or transfer them to others under any title of alienation, are automatically subject to excommunication.

The same sentence of excommunication is incurred by those religious who presume in their sermons or otherwise to restrain their hearers from due payment of tithes to churches. And since it is not enough to abstain from evil unless good is done, we enjoin on all religious, invoking the divine judgment and under threat of eternal malediction, that whenever they preach to the people on the first, fourth and last Sundays of Lent, and on the feasts of the Ascension of the Lord, Pentecost, the Birthday of blessed John the Baptist, the Assumption and the Birthday of the most blessed virgin Mary, the mother of God, they take care to exhort their hearers expressly, if required by the rectors or vicars of the churches or those taking their place, and also to inform the consciences of their penitents in confession, that they have the obligation to pay tithes. If the religious knowingly evade this duty in their sermons on the above-mentioned days, they are to receive a severe rebuke from their superiors. We also strictly command the superiors, in virtue of holy obedience, to enact laws in accordance with which they may so severely punish transgressors that their punishment may be an example for others. The constitution of our predecessor of happy memory pope Gregory IX³, dealing with this matter, is to remain in full force. Those who knowingly have neglected to inform the consciences of penitents with regard to payment of these tithes, are automatically to remain suspended from preaching until they inform the consciences of their penitents, if they can conveniently do this. They are to incur automatic excommunication if they >resume to preach without atoning for their neglect as above. We do not however wish this to apply to the religious of monasteries, or the rectors of churches, who are in receipt of tithes.

Rash violators of the constitution⁴ which forbids religious and secular clerics to induce anyone to vow, swear, pledge or otherwise promise that they will choose a burial place beside their churches or, having made this choice, that they will not alter it, incur automatically the same sentence of excommunication (the penalty in the said constitution is to remain in force); they are not to be absolved

¹ ch. 2 V 8 *Clementines* (Fr 2, 1188-1189).

² See ch. 1 V 6 *Sext* (Fr 2, 1082).

³ See ch. 1 III 13 *Sexi* (Fr 2, 1048).

⁴ See ch. 1 III 12 *Sext* (Fr 2, 1045-1046).

absolvendos, nullis privilegiis aut statutis, cuiuscunque tenoris exsistant, super his valituris.¹

[36]. Gravis ad nos praelatorum querela perduxit, quod nobiles quidam et domini temporales, terris eorum ecclesiastico suppositis interdicto, nedum in locorum suorum capellis, sed et in collegiatis et aliis insignium locorum ecclesiis missas et alia divina officia publice et solemniter faciunt celebrari, ad officia eadem celebranda nunc hos nunc illos vocantes, et interdum, quod est deterius, compellentes, hisque non contenti excessibus per campanarum non solum pulsationem, sed et voce praeconia populos etiam interdictos, ut interdicti non obstante sententia ad audiendas missas huiusmodi veniant, faciunt evocari. Nonnulli quoque ipsorum suis plerumque subiectis ne, licet excommunicationis vel interdicti sententia publice sint innodati de ecclesiis, dum in ipsis missarum celebrantur solemnia, instantibus etiam celebrantibus exeant, praecipere non verentur, ex quo frequenter contingit, quod non sine Dei offensa clerique ac populi scandalo ipsa missarum solemnia remanent inexplata. Ne igitur excessus sic graves excedentium impunitate trahantur ab aliis in exemplum, praesumptores praefatos, qui locis interdicto suppositis quemquam de cetero divina celebrare officia quomodolibet cogere, aut qui modo praedicto ad officia eadem audienda aliquos, excommunicationis praesertim vel interdicti ligatos sententia, evocare, seu qui, ne excommunicati publice aut interdicti de ecclesiis, dum in ipsis missarum aguntur solemnia, a celebrantibus moniti, ut exeant, prohibere, nec non excommunicatos publice et interdictos, qui in ipsis ecclesiis, nominatim a celebrantibus ut exeant moniti, remanere praesumpserint, excommunicationis sententia, a qua per sedem dumtaxat apostolicam possint absolvi, sacro approbante concilio innodamus.²

[37]. Cum ex eo, quod religiosi viri fratres Minores in suis recipiunt ecclesiis ad audienda divina officia tempore interdicti fratres et sorores, de ordine tertio, quem b. Franciscus instituit, existentes, qui continentes seu de poenitentia nuncupantur, scandalum aliorum, qui ab his excluduntur, mentibus generetur, censura vilescat ecclesiastica et minoris auctoritatis interdicti sententia reputetur, eisdem fratribus Minoribus districtius inhibemus, ne de cetero aliquem vel aliquos praedictorum, etiamsi super hoc hi vel illi privilegiis quibuscunque muniti exstiterint, quae ipsis in nullo prorsus quoad hoc volumus suffragari, ad divina in suis ecclesiis tempore interdicti quoquo modo admittant. Quod si fecerint, eo ipso excommunicationis sententiae se noverint subiacere, a qua per alium, quam per Romanum pontificem, vel satisfactione praemissa per locorum episcopos, quos auctoritate apostolica fungi volumus in hac parte, absolutionis beneficium nequeant obtinere.³

¹ c. 3 V 8 m *Clem.* (Fr 2,1189-1190); cf. Muller 541-545.

» c. 2 V 10 in *Clem.* (Fr 2,1191-1192).

* c. 3 V 10 in *Clem.* (Fr 2,1192); eundem textum ediderat Gemens papa V paulo ante; cf. *Btdlarium Fraruucamcm*, V Romae 1898, nr. 95 (p. 42); cf. etiam B. Mathis, *Die Privilegien det Fratt^itk^nerordeni bit ^ttm Kortyl rvn Vienne (1311)*, Paderborn 1927,56; Millier 545-547.

except by the apostolic see, except at the moment of death, notwithstanding any privileges or statutes of whatever tenor?

[36]. Grave complaint has been made to us by prelates that certain nobles and temporal lords, when their territory has been laid under ecclesiastical interdict, have masses and other divine offices celebrated publicly and solemnly not only in the chapels of their houses, but also in collegiate churches and other churches of prominent places. They invite and, what is worse, sometimes compel now these, now those, to celebrate the offices. Not content with these excesses, they have people summoned, even those under interdict, by the ringing of bells and by the public crier, to hear these masses. Some of the lords and nobles are not afraid to order people, for the most part their own subjects, although they are publicly under excommunication and interdict, not to leave the churches while mass is being celebrated, even though the celebrants urge their departure. It therefore happens frequently that mass is left unfinished to the offence of God and the scandal of clergy and people. In order, then, that excesses so grave may not be imitated because the transgressors are left unpunished, we excommunicate, with the approval of the sacred council, all those who shall presume to compel anyone in any way in places under interdict to celebrate the divine offices, or to summon people in the above way to hear them, especially those under excommunication or interdict. The same penalty is imposed on those who forbid persons publicly excommunicated or under interdict to leave the church during mass when warned to do so by the celebrant, also on those publicly excommunicated and those under interdict who presume to remain in church when named by the celebrant and warned that they must leave. The excommunications can be remitted only by the apostolic see.¹

[37]. The friars Minor receive into their churches to hear the divine offices in time of interdict brothers and sisters of the third order, instituted by blessed Francis; they are called continent or of penance. Since this practice generates scandal in the minds of others who are excluded, thus debasing ecclesiastical censure and weakening the force of an interdict, we strictly forbid the friars Minor to admit henceforth in any way to their churches for the divine offices in time of interdict any of the above-mentioned persons, even if they or the friars have privileges of any kind in this matter; we in no way favour such privileges. If the friars infringe this decree, they lie under automatic excommunication, from which they can only be absolved by the Roman pontiff or, if they have made satisfaction, by the local bishops, whom we wish to act in this matter by our authority?

¹ ch. 3 V 8 *Clementines* (Fr 2, 1189-1190); see Müller 541-545.

² ch. 2 V 10 *Clementines* (Fr 2, 1191-1192).

⁵ ch. 3 V 10 *Clementines* (Fr 2, 1192); pope Clement V had published the same text shortly beforehand; see *Bullarium Franciscanum*, V Rome 1898, no. 95 (p. 42); see also B. Mathis, *Die Privilegien des Franziskanerordens bis zum Konzil von Vienne (1311/)*, Paderborn 1927, 56; Müller 545-547.

[38]. *Exili di paradiso, dixi: rigabo bortum plantationum*¹, ait ille coelestis agricola, qui vere *fons sapientiae, Verbum Dei*², a Patre, in Patre manens³, genitum ab aeterno *novissime diebus istis*^{*}, fabricante sancto Spiritu in utero virginis caro tactum⁵, *exivit homo ad opus*^{*} arduum redemptionis
5 humani generis peragendum, exemplar se dando coelestis vitae, praebens hominibus semetipsum. Verum quia plerumque mortalis vitae sollicitudinibus pressus homo mentis adspectum ab exemplaris huiusmodi intuitu divertebat, verus noster Salomon in solio militantis ecclesiae hortum voluptatis⁷ inter ceteros quendam fecit a procellosis mundi flucti-
10 bus elongatum, in quo quietius ac securius vacaretur contemplandis servandisque huiusmodi operibus exemplaris, in hunc mundum introivit ipse, ut rigaret ipsum foecundis aquis spiritualis gratiae et doctrinae. Hic hortus siquidem est fratrum Minorum sancta religio, quae muris regularis observantiae firmiter undique circumclusa, intra se solo contenta Deo,
15 adornatur abunde novellis plantationibus filiorum. Ad hunc veniens dilectus Dei Filius mortificantis poenitentiae *myrrham* metit *cum aromatibus*^{*}, quae suavitate mira universis odorem attrahentis sanctimoniae circumfundunt. Haec est illa coelestis vitae forma et regula, quam descripsit ille confessor Christi eximius sanctus Franciscus, ac servandam a suis
» filiis verbo docuit pariter et exemplo. Quia vero dictae sanctae regulae professores ac aemulatores devoti, ut et alumni et veri filii tanti patris, affectabant, sicut et ferventer affectant, ad purum et ad plenum praemis-
sam regulam firmiter observare, attendentes quaedam, quae dubium poterant afferre sensum, in ipsius regulae serie contineri, pro ipsorum
25 declaratione habenda recurrerunt prudenter olim ad apicem apostolicae dignitatis, ut certificati per ipsam, cuius pedibus etiam per ipsam regulam sunt subiecti, possent Domino, pulsus cunctis dubiis, cum plena caritate conscientiae deservire. Horum autem piis ac iustis supplicationibus, plu-
res praedecessores nostri Romani pontifices successive, sicut dignum
30 erat, applicantes aures et animum, declaraverunt ea quae dubia videbantur, ediderunt nonnulla et aliqua concesserunt, sicut expedire videbant fratrum conscientias ac purae observantiae status. Verum quia plerumque, ubi culpa non est, eam timere solent conscientiae timoratae, quae in via Dei quodcunque devium expavescent, non sunt ad plenum
35 ex dictis declarationibus dictorum omnium fratrum conscientiae quietatae, quum circa aliqua ad regulam ipsorumque statum pertinentia dubitationum in ipsis fluctus aliqui generentur et oriantur, sicut ad aures nostras pluries et de quampluribus in publicis et privatis consistoriis est perlatum. Quapropter per ipsos fratres nobis exstitit humiliter supplica-
40 tum, quatenus praedictis dubiis, quae occurrerunt et quae possunt occurrere in futurum, adhibere opportuna declarationis remedia, de benignitate sedis apostolicae curaremus. Nos igitur, cuius animus ab aetate tenera pia devotione efferbuit ad huiusmodi professores regulae et ad ordinem ipsum totum, nunc autem ex communi cura pastoralis regiminis,

¹ Edi 24, 41-42. ² Edi 1,5. » Cf. Io 14,10. ³ Hcb1,2.

⁴ Cf. Io 1,14. · Ps 103,23. ⁵ Cf. Ez 36, 35; II 2, 3. · Cn 5,1.

[38] *I came out of paradise, I said: I will water my garden of plants'*. Thus speaks the heavenly cultivator, who is truly *the source of wisdom, God's Word*², begotten by the Father from eternity, yet remaining in the Father⁵. *In these last days'*, made flesh in the womb of a virgin by the operation of the holy Spirit⁵, *he went forth to the arduous work*⁶ of redeeming the human race, giving himself to humanity as the model of a heavenly life. But because so often people, overcome by the anxieties of this mortal life, turned their mental gaze away from such a model, our true Solomon has made in the realm of the church militant, among other gardens, a garden of delight⁷, far from the stormy waves of the world, in which people might devote themselves with greater peace and security to contemplating and imitating the works of the exemplar, and he himself entered this world that he might refresh it with the fertile waters of his spiritual grace and teaching.

This garden is the holy religion of the friars Minor which, enclosed within the firm walls of regular observance, is content with God alone and is constantly enriched with fresh shoots, her sons. Entering this garden, the beloved Son of God gathers *the myrrh and spices** of mortification and penance which by their marvellous fragrance diffuse to everyone the perfume of an attractive sanctity. This is that form and rule of the heavenly life sketched by that eminent confessor of Christ, saint Francis, who taught his sons its observance by both word and example. The observers of that holy rule, men of zeal and devotion, as both pupils and true sons of so great a father, aspired and still ardently aspire to observe that rule faithfully in all its purity and fullness. They perceived certain particulars of which the interpretation was doubtful, and they prudently had recourse to the apostolic see for clarification. Receiving assurance from that see, to which their very rule proclaims allegiance, they were able to serve the Lord, free from all doubt, in the fullness of charity. Several Roman pontiffs, our predecessors, rightfully heeded their pious and just requests; they defined doubtful points, promulgating certain interpretations and making some concessions, as they thought good for the consciences of the friars and the purity of religious observance. But because there are devout consciences which very often fear sin where it does not exist, and dread any turning in the way of God, the previous clarifications have not fully quietened the consciences of all the friars. There are still some points belonging to their rule and state of life where doubts arise, as many have often told us in public and private consistories. For this reason the friars themselves have humbly entreated us to clarify opportunely the doubts which have arisen and those which may arise in the future, thus applying a remedy by the kindness of the apostolic see.

We have from a tender age had a warm devotion to those who profess this rule and to the whole order. Now' that, though unworthy, we bear the office of

¹ Eccli 24, 41-42. ² Eccli 1, 5. ³ See Jn 14, 10. ⁴ Heb 1, 2.

⁵ See Jn 1, 14. ⁶ Ps 103, 23. ⁷ See Ez 36, 35; Jl 2, 3. ⁸ Sg 5, 1.

quam immeriti sustinemus, ad ipsos fovendos, dulcius et attentius gratiosis favoribus prosequendos, tanto provocamur ardentius, quanto frequentius intenta mente revolvimus fructus uberes¹* quos ex eorum exemplari vita et salutari doctrina toti universali ecclesiae continue cernimus provenire, tam pia supplicantium intentione commoti ad peragendum diligenter quod petitur studia nostra duximus convertenda, ipsaque dubia per plures archiepiscopos et episcopos et in theologia magistros, et alios literatos, providos et discretos examinari fecimus diligenter. Cum igitur in primis ex eo, quod in dictae regulae principio habetur: „Regula et vita fratrum Minorum haec est, scilicet domini nostri Iesu Christi sanctum evangelium observare, in oboedientia vivendo sine proprio et in castitate”⁵, item infra: „Finito vero anno probationis recipiantur ad oboedientiam, promittentes vitam istam semper et regulam observare”³, item circa finem regulae: „Paupertatem et humilitatem et sanctum evangelium domini nostri Iesu Christi, quod firmiter promisimus, observemus”⁴, is fuit haesitatum, an fratres eiusdem ordinis ad omnia tam praecepta quam consilia evangelii ex professione suae regulae teneantur, quibusdam dicentibus, quod ad omnia, aliis autem asserentibus, quod ad sola illa tria consilia, videlicet „vivere in oboedientia, in castitate et sine proprio”, et ad ea quae sub verbis obligatoriis ponuntur in regula, obligantur, nos, circa hunc articulum praedecessorum nostrorum vestigiis inhaerentes⁵, ipsumque articulum, quoad aliquid clarius prosequentes, dictae haesitationi duximus respondendum quod, cum votum determinatum cuiuslibet habeat cadere sub certo, vovens regulam non potest dici teneri ex vi voti huiusmodi ad ea consilia evangelica, quae in regula non ponuntur. Et quidem b. Francisci conditoris regulae haec probatur fuisse intentio, ex hoc quod quaedam evangelica consilia in regula posuit, aliis praetermissis. Si enim per illud verbum: „Regula et vita fratrum Minorum haec est” etc., intendisset eos ad omnia consilia evangelica obligare, superflue et nugatorie quaedam eorum, suppressis ceteris, in regula expressisset. Cum autem natura termini restrictivi hoc habeat, quod sic excludit ab ipso extranea, quod cuncta ad ipsum pertinentia concludit, declaramus et dicimus, quod dicti fratres non solum ad illa tria vota nude et absolute accepta ex professione suae regulae obligantur, sed etiam tenentur ad ea omnia implenda, quae sunt pertinentia ad haec tria praedicta, quae regula ipsa ponit. Nam si ad haec tria praedicta tantum, praecise et nude promittentes se servare regulam vivendo in „oboedientia, castitate et sine proprio”, et non etiam ad omnia contenta in regula, quae haec tria modificant, arctarentur, pro nihilo et vane proferrentur haec verba: „Promitto semper hanc regulam observare,” ex quo ex his verbis nulla obligatio

¹ Cf. Lc 12,16.

¹ *Regula fratrum Minorum*, cap. I; v. *Bullarium Franciscanum* (= *Bull. Francise.*), I Romae 1759, 15 atque *Expositio quatuor magistrorum super regulam fratrum Minorum (1241-1242). Accedit eiusdem regulae textus* — ed. L. Oliger (=Oliger), Roma 1950, 173.

* *Regula*, cap. II; *Bull. Francise.* 16; Oliger 176.

‘ *Regula*, αρ. XII; *Bull. Francise.* 18; Oliger 193.

* Praesertim Nicolai papae III, cf. inferius.

universal pastor, we are the more roused to cherish them and to honour them more kindly and attentively, the more often we consider and reflect on the plentiful harvest¹ reaped continually from their exemplary lives and wholesome teaching for the good of the universal church. Moved by the pious intentions of the petitioners, we have directed our efforts to carry out diligently what they ask. We have had a careful examination made of these doubts by several archbishops, bishops, masters in theology and other learned, prudent and discreet men.

At the beginning of the rule it is said: “The rule and life of the friars Minor is this, to observe the gospel of our lord Jesus Christ, by living in obedience, without property and in chastity”². Also, further down: “Having completed a year of probation, let them be received to obedience, promising always to observe this life and rule”³. Also, towards the end of the rule: “Let us observe poverty, humility and the gospel of our lord Jesus Christ, which we have firmly promised”⁴. There was uncertainty whether the friars of the order were obliged to all the precepts and counsels of the gospel by profession of their rule. Some said they were obliged to all. Others, however, asserted that they were obliged to three only, namely “to live in obedience, in chastity and without property”, and to what was stated as obligatory in the rule. With regard to this article we follow in the footsteps of our predecessors⁵ and, giving this article further clarification, we answer the doubt as follows. Since every determinate vow must have a defined object, he who vows to follow the rule cannot be considered obliged by his vow to those evangelical counsels which are not mentioned in the rule. And indeed this is shown to have been the intention of blessed Francis the founder, from the fact that he laid down certain counsels in the rule but omitted others. For if by those words, “The rule and life of the friars Minor is this” etc., he had intended to oblige them to all the evangelical counsels, it would have been superfluous and futile to include some of them and not others.

However, since the nature of a restrictive term demands the exclusion of everything foreign to it but includes everything belonging to it, we declare that the friars are bound by the profession of their rule not only to those three vows simply and solely, but also to everything related to them expressed in the rule itself. For if the friars were obliged to observe the three vows precisely and no more, in their promise to observe the rule by living in “obedience, chastity and without property”, and not also to observe everything contained in the rule that is relevant to those vows, then the words “I promise to observe always this rule” would be useless, as implying no obligation. We must not think, however, that

¹ See Lk 12, 16.

² *Rule of the friars Minor*, ch. 1; see *Bullarium Franciscanum* (= *Bull. Francise.*), 1 Rome 1759, 15, and *Expositio quatuor magistrorum super regulam fratrum Minorum (1241-1242). Accedit eiusdem regulae textus ...*, ed. L. Oliger (= Oliger), Rome 1950, 173.

³ *Rule*, ch. 2; *Bull. Francise.* 16; Oliger 176.

⁴ *Rule*, ch. 12; *Bull. Francise.* 18; Oliger 193.

⁵ Especially pope Nicholas III, see below.

nasceretur. Nec tamen putandum est, quod b. Franciscus professores huius regulae quantum ad omnia contenta in regula, modificantia tria vota, seu ad alia in ipsa expressa intenderit aequaliter esse obligatos; quin potius aperte discrevit, quod quoad quaedam ipsorum ex vi verbi
5 transgressio est mortalis, et quoad quaedam alia non, cum ad quaedam ipsorum verbum apponat praecepti vel aequipollentis eidem, et quoad aliqua verbis aliis sit contentus. Item quia praeter ea, quae expresse verbo praecepti ac exhortationis seu monitionis ponuntur in regula, nonnulla verbo imperativi modi negative vel affirmative apposito inseruntur,
10 hactenus exstitit dubitatum, an tenerentur ad ista, ut ad habentia vim praecepti, et quia (ut intelleximus), non minuitur hoc dubium, sed augetur ex eo, quod felicitis recordationis Nicolaus papa III¹ praedecessor noster noscitur declarasse, quod fratres ipsi ex professione suae regulae sunt adstricti ad ea consilia evangelica, quae in ipsa regula praeceptorie
15 vel inhibitorie seu sub verbis aequipollentibus exprimuntur, et nihilo- minus ad eorum omnium observantiam, quae ipsis in eadem regula sub verbis obligatoriis inducuntur, supplicaverunt praedicti fratres, ut ad ipsorum conscientias servandas declarare, quae horum censi debeant praeceptis aequipollentia ac obligatoria, dignaremur. Nos itaque, qui
20 in sinceris horum conscientis delectamur, attendentes quod in his, quae animae salutem respiciunt, ad vitandos graves remorsus conscientiae pars securior est tenenda, dicimus quod, licet fratres non ad omnium, quae sub verbis imperativi modi ponuntur in regula, sicut ad praeceptorum seu praeceptis aequipollentium observantiam teneantur, expedit
25 tamen ipsis fratribus ad observandam puritatem regulae et rigorem, quod ad ea, sicut ad aequipollentia praeceptis, se noverint obligatos, quae hic inferius adnotantur. Ut autem haec, quae videri possunt aequipollentia praeceptis ex vi verbi vel saltem ratione materiae, de qua agitur, seu ex utroque sub compendio habeantur, declaramus, quod illud quod ponitur
30 in regula, de non habendo plures tunicas, quam unam „cum caputio, et aliam sine caputio”²; item, de non portandis calceamentis³, et de non equitando extra casum necessitatis⁴; item, quod fratres „vilibus induantur”⁵; item, quod ieiunare „a festo omnium sanctorum usque ad natale Domini”⁶, et in sextis feriis teneantur; item, quod „clerici faciant divinum officium
35 secundum ordinem sanctae Romanae ecclesiae”⁷; item, quod ministri et custodes „pro necessitatibus infirmorum et fratribus induendis” „sollicitam curam gerant”⁸; item, quod „si quis fratrum in infirmitatem ceciderit, alii fratres debent ei servire”⁹; item, quod „fratres non praedicent in episcopatu

¹ Cf. c. 3 V 12 in 17° (Fr 2,1109-1121); Potthast 21628.

• *Regula*, cap. II; *Bull. Francise*. 16; Oliger 177. ¹ Cf. *ibid.*

⁴ Cf. *Regula*, cap. III; *Bull. Francise*. 16; Oliger 180.

s Regula, cap. II; *Bull. Francise*. 16; Oliger 177.

• *Regula*, cap. III; *Bull. Francise*. 16; Oliger 179.

⁷ *Regula*, cap. III; *Bull. Francise*. 16; Oliger 178.

• *Regula*, cap. IV; *Bull. Francise*. 16-17; Oliger 181.

• *Regula*, cap. VI; *Bull. Francise*. 17; Oliger 185.

blessed Francis intended to impose on those who profess this rule the same obligation regarding everything in the rule relating to the three vows, or anything else contained in the rule. Rather, he made a clear distinction: in some matters his words imply that transgression is a mortal sin, in others not, since he applies to some the word “precept” or its equivalent, while elsewhere he is content to use other expressions.

Besides those things laid down in the rule expressly in words of precept or exhortation or admonition, there are some things in the imperative mood in either a negative or an affirmative form. Concerning these, there has been up to now some doubt as to whether they are of precept. This doubt is not made less but rather increased by the declaration of our predecessor pope Nicholas III¹ of happy memory, that the friars are obliged by rule to those evangelical counsels which the rule expresses in form of precept or prohibition or equivalent words and, in addition, to the observance of everything that the rule imposes in words of obligation. The friars therefore begged that we would, for their peace of conscience, graciously define which of these matters should be considered equivalent to precepts and obligatory. We therefore, delighted by their sincerity of conscience, observing that in matters affecting salvation the safer path is to be taken in order to avoid grave remorse of conscience, say that, although the friars are not obliged to observe everything expressed by the rule in the imperative mood in the way that they are obliged to observe matters which are explicitly or equivalently of precept, it is right for them, if they are to observe the rule strictly in its purity, to acknowledge that they are bound to observe in this way the injunctions noted below.

In order to summarise these things which appear equivalent to precepts, in virtue of the words or at least of the subject-matter, or of both, we declare the following to be of obligation for the friars, as expressed in the rule: not having more tunics than one “with a hood, and one without a hood”²; not wearing shoes³, and not riding a horse except in case of necessity⁴; that the friars “wear cheap clothes”⁵; that they fast “from the feast of all saints to Christmas”⁶ and on Fridays; that “clerics recite the divine office according to the rite of the holy Roman church”⁷; that ministers and guardians take great care “of the needs of the sick and of the friars’ clothing”⁸; that, “if a friar falls ill, the other friars are to wait on him”⁹; that “the friars are not to preach in the diocese of a bishop when

¹ See ch. 3 V 12 *Sext* (Fr 2, 1109-1121); Potthast 21628.

² *Rule*, ch. 2; *Bull. Francise*. 16; Oliger 177.

³ See *ibid*.

⁴ See *Rule*, ch. 2; *Bull. Francise*. 16; Oliger 180.

⁵ *Rule*, ch. 2; *Bull. Francise*. 16; Oliger 177.

⁶ *Rule*, ch. 3; *Bull. Francise*. 16; Oliger 179.

Rule, ch. 3; *Bull. Francise*. 16; Oliger 178.

Rule, ch. 4; *Bull. Francise*. 16-17; Oliger 181.

⁹ *Rule*, ch. 6; *Bull. Francise*. 17; Oliger 185.

alicuius episcopi, cum ab eo illis fuerit contradictum"¹; item, quod „nullus audeat penitus populo praedicare, nisi a generali ministro" vel aliis, quibus secundum declarationem praedictam id competit, „fuerit examinatus, approbatus², et ad hoc institutus"; item, quod „fratres, qui cognoscerent, se non posse praemissam regulam specialiter observare, debeant et possint i ad suos ministros recurrere"³; item, quod omnia, quae ponuntur in regula ad formam habitus tam novitiorum quam etiam professorum, nec non ad receptionis modum ac professionem spectantia, nisi recipientibus quoad habitum novitiorum, sicut dicit regula, „secundum Deum aliter videatur"⁴: haec, inquam, omnia sunt a fratribus tanquam obligatoria observanda. 10 Item ordo communiter sensit, tenet et tenuit ab antiquo, quod ubicunque ponitur in regula hoc vocabulum „teneantur“, obtinet vim praecepti, et observari debet a fratribus sicut tale. Ceterum quia Christi confessor praedictus, agendorum ac servandorum circa recipiendos ad ordinem ministris et fratribus modum praebens, dixit in regula, quod „caveant fra- is tres et eorum ministri, ne sint solliciti de rebus suis temporalibus, ut libere faciant de eis quicquid ipsis a Domino fuerit inspiratum, licentiam tamen habeant ipsi ministri mittendi eos ad aliquos Deum timentes, si consilium requiratur, quorum consilio sua bona pauperibus erogentur"⁵, dubitave- 20 runt et dubitant multi fratrum, an liceat ipsis de bonis ingrediendum quicquam recipere, si donetur, et si ad dandum personis et conventibus possint eos inducere sine culpa, si etiam ad disponendum de distributione rerum talium debeant ipsi ministri seu fratres dare consilium, ubi ad consulendum alii, quam ex ipsis, ad quos ingressuri mittantur, possint idonei 25 inveniri. Nos autem, considerantes attente, intendisse sanctum Franciscum, suae regulae professores, quos fundaverat in maxima paupertate, ab affectu temporalium rerum ipsorum ingrediendum per dicta verba specialiter et totaliter elongare, ut quantum est ex parte fratrum ipsorum, receptio ad ordinem sancta et purissima appareret, et ne aliquo modo oculum viderentur habere ad bona eorum temporalia, sed ad ipsos tan- 30 tum divino servitio mancipandos, dicimus de cetero debere tam ministros quam fratres ceteros a dictis inductionibus ad sibi dandum, et suasionibus, nec non et dandis circa distribudonem consiliis abstinere, cum per hoc ad timentes Deum sutus alterius mitti debeant, non ad fratres, ut vere cunctis pateant esse tam salubris institud paterni studiosi zelatores 35 seduli et perfecti. Cum vero facere de rebus suis quod Dominus inspirabit ipsamet regula ingredientibus liberum velit esse, non videtur quin liceat eis recipere, consideratis scilicet eorum necessitatibus et moderationibus declarationis iam dictae, si quid de bonis suis intrans, sicut et ceteris pauperibus per modum eleemosynae libere velit dare. Cavere 40 tamen in acceptione oblatorum talium decet fratres, ne ex receptorum

¹ *Regula*, cap. IX; *Bull. Francise*. 18; Oliger 188.

² Cf. *Regula*, cap. IX; *Bull. Francise*. 18; Oliger 188.

³ *Regula*, cap. X; *Bull. Francise*. 18; Oliger 189.

⁴ Cf. *Reffda*, cap. II; *Bull. Francise*. 16; Oliger 175-176.

⁵ *Regula*, cap. II; *Bull. Francise*. 16; Oliger 176.

he has forbidden them this”¹; that “nobody ventures at all to preach to the people unless he has been examined, approved² and appointed for this by the minister general” or by others having authority according to the aforesaid declaration; that “friars who know that they cannot observe the rule in detail, may and should have recourse to their ministers”³; and everything laid down in the rule regarding the form of the habit of both novices and professed friars, the manner of reception, and profession, except for the habit of novices with regard to those admitting them (here the rule which says “according to God it may seem otherwise”⁴ may be followed). The order generally has judged, holds and has held from of old that wherever in the rule there occurs the words “they shall be bound”, there is a precept and the friars ought to act as bound by precept.

The confessor of Christ, when prescribing the practice of the friars and their ministers in relation to the reception of those entering the order, said in the rule: “The friars and their ministers shall take care not to be solicitous about their temporal goods, but leave them free to do with them whatever the Lord inspires them to do; the ministers may have leave, however, to send them to some God-fearing men, if counsel be needed, who may advise them how to give their goods to the poor”⁵. Many of the friars were uncertain, and still are, whether they may receive anything from those who enter, if it is given; whether they may without fault persuade them to give to individuals and friaries; and whether the ministers themselves or the friars ought to give advice concerning the disposal of property, when there are other suitable advisers to whom the entrants can be sent. We observe attentively that saint Francis intended to banish from his disciples, whose rule he had based on a very strict poverty, all affection for the temporal goods of those entering the order, especially in using the above words, in order that, on the part of the friars, reception into the order might appear holy and pure. They should be seen to have no eye to their temporal goods, but only to deliver the novices up to the divine service. We say that both ministers and friars ought to abstain from persuasion to give them the property, and also from advice as to its distribution. They should send those who seek counsel to God-fearing men of another state, not to friars. In this way all will see them truly as zealous and perfect observers of their father’s sound tradition. Since however the rule itself wishes those entering to be free to do as the Lord inspires concerning their property, it does not seem unlawful for the friars to receive something, in view of their needs and in accordance with the aforesaid declaration, if the entrant freely wishes to give it, as he would to other poor people by way of alms. The friars however do well to take care, in accepting such offerings, that they do not create an unfavourable impression by the amount they receive.

¹ *Rule*, ch. 9; *Bull. Francise*. 18; Oliger 188.

² See *Rule*, ch. 9; *Bull. Francise*. 18; Oliger 188.

³ *Rule*, ch. 10; *Bull. Francise*. 18; Oliger 189.

⁴ See *Rule*, ch. 2; *Bull. Francise*. 16; Oliger 175-176.

⁵ *Rule*, ch. 2; *Bull. Francise*. 16; Oliger 176.

quantitate notabili praesumi possit sinister oculus contra ipsos. Praeterea cum dicatur in regula, quod „illi, qui iam promiserunt oboedientiam, t unam tunicam cum caputio, et aliam sine capudo, qui habere voluerint"; item, quod „fratres omnes vestimenris vilibus induantur**1, nos-
 5 que praedicta verba declaraverimus aequipollere praeceptis, volentes haec determinari plenius, dicimus, quantum ad numerum tunicarum, quod pluribus ud non licet, nisi in necessitatibus, quae haberi possunt ex regula, secundum quod hunc passum memoratus praedecessor noster2*plenius declaravit. Vilitatem autem vestium, tam habitus quam interiorum tuni-
 10 carum, illam intelligi debere dicimus, quae secundum consuetudinem vel conditionem patriae debeat quantum ad colorem panni et pretium vilitatis merito reputari. Non enim quoad regiones omnes potest determinatus unus modus in talibus assignari. Huiusmodi edam vilitatis iudicium ministris et custodibus seu guardianis duximus committendum, eorum
 15 super hoc conscientias onerantes, ita tamen quod servant in vestibus vilitatem. Quorum etiam ministrorum, custodum et guardianorum iudicio eodem modo relinquimus, pro qua necessitate possint ipsi fratres calceamenta portare. Deinde cum duobus temporibus adnotatis in regula, scilicet „a festo omnium sanctorum usque ad nativitatem Domini" et maxime quadragesimae, in quibus ieiunare tenentur, inseratur in eadem regula „aliis autem temporibus non teneantur, nisi sexta feria ieiunare"8, et ex hoc voluerunt aliqui dicere, quod dicti ordinis fratres non tenentur nisi ex condecenda ad alia ieiunia quam ad ista, declaramus debere intelligi, eos non teneri ad ieiunium ahis temporibus, praeterquam in ieiuniis ab ecclesia constitutis. Non est enim verisimile, quod vel institutor regulae, vel etiam confirmator, absolvere ipsos intenderit a servandis illis ieiuniis, ad quae de communi statuto ecclesiae obligantur ceteri christiani. Porro cum dictus sanctus, volens fratres suos super omnia a denariis seu pecunia esse totaliter alienos, praecepit „firmiter fratribus uni-
 30 versis, ut nullo modo denarios vel pecuniam recipiant per se vel per interpositam personam"4, istumque articulum declarans idem praedecessor noster5 casus et modos posuerit, quibus servatis a fratribus non possint dici nec debent per se vel per alium pecuniae receptatores contra regulam vel sui ordinis puritatem, dicimus fratres teneri cavere summopere, quod
 35 pro aliis causis et sub modis aliis, quam ponat dicti praedecessoris nostri declaratio, ad dantes pecunias sive deputatos nuncios non recurrant, ne si secus ab ipsis attentatum fuerit, transgressores praecepti et regulae merito possint dici. Nam ubi aliquid alicui generaliter prohibetur, quod expresse non conceditur, intelligitur denegatum. Quocirca quaestus om-
 40 nis pecuniae ac oblationum pecuniarum receptio in ecclesia vel alibi, cippi vel trunci ordinati ad offerentium seu donantium pecunias reponen-

1 *Regula*, cap. II; *Bull. Francise*. 16; Oliger 177.

2 Nicolaus papa III (v. supra p. 394 n. 1); cf. Fr 2, 1118.

’ *Regula*, cap. III; *Bull. Francise*. 16; Oliger 175-179.

4 *Regula*, cap. IV; *Bull. Francise*. 16; Oliger 181.

4 Nicolaus papa III; cf. Fr 2, 1115-1118.

The rule says that “those who have promised obedience should have one tunic with a hood, and another without a hood, those who wish to have it”; also, that “all the friars should wear cheap clothes”¹. We have declared that the said words are equivalent to precepts. In order to express this more clearly, however, we say that it is not lawful to have more tunics, except when this is necessary in accordance with the rule, as our said predecessor has more fully explained. As for the poverty of the clothes, both of the habit and of the inner clothing, it is to be judged in relation to the customs and observances of the country, as to the colour of the cloth and the price. There cannot be one standard for every region. We think that this poverty in dress should be entrusted to the judgment of the ministers and guardians; they must form their own consciences, but see to it that poverty in dress is maintained. In the same way we leave it to the judgment of the ministers and guardians as to when the friars have need to wear shoes.

The rule refers to two periods: “from the feast of all saints until Christmas”, and especially in Lent, when the friars are obliged to fast. We find inserted in the rule: “at other times they are not obliged to fast, with the exception of Fridays”². From these statements some have concluded that the friars are not obliged to observe any other fasts except from propriety. We declare that they are not obliged to fast at other times except at the times established by the church. For it is not probable that either he who instituted the rule or he who confirmed it intended to dispense the friars from observing the fasting days to which the general law of the church obliges other Christians.

When St Francis, wishing his friars to be completely detached from money, commanded “firmly all the friars not to accept money in any manner, either directly or through some other person”³, this same predecessor of ours⁴, in his interpretation, defined the cases and the ways in which the friars cannot and ought not to be called receivers of money against the rule and sincerity of their order. We declare that the friars must take the greatest care that they have no recourse to those who give money or their agents in ways other than those defined by our said predecessor, lest they deservedly be called transgressors of the precept and rule. For when there is a general prohibition, anything not expressly granted is understood to be refused. For this reason, all collection of money and acceptance of offerings in church or elsewhere, boxes for storing offerings or gifts of money, and any other recourse to money or those who have

¹ *Rule*, ch. 2; *Bull. Francise*. 16; Oliger 177.

² Pope Nicholas III (see above p. 394 n. 1); see Fr 2, 1118.

³ *Rule*, ch. 3; *Bull. Francise*. 16; Oliger 178-179.

⁴ *Rule*, ch. 4; *Bull. Francise*. 16; Oliger 181.

⁵ Pope Nicholas III; see Fr 2, 1115-1118.

das, nec non et quicumque recursus alius ad pecunias seu habentes ipsas, qui per declarationem praedictam non conceditur, haec, inquam, omnia sunt eis simpliciter interdicta. Cum etiam recursus ad amicos speciales expresse tantum in duobus casibus secundum regulam concedatur, videlicet pro „necessitatibus infirmorum et fratribus induendis“¹, idque pie et rationabiliter, considerata necessitate vitae, ad alias necessitates fratrum pro tempore occurrentes cessantibus eleemosynis seu etiam ingruentes, saepe dictus praedecessor noster duxerit extendendum, attendant fratres praefati, quod pro nullis causis aliis quam praedictis vel similibus in via vel alibi recurrere licet eis ad amicos huiusmodi, sive sint dantes pecunias seu deputati per ipsos, sive nuncii vel depositarii, seu alio quovis nomine appellentur, etiamsi concessi per eandem declarationem, modi circa pecuniam integre servarentur. Denique cum idem confessor summe affectaverit, suae regulae professores totaliter esse abstractos ab affectu et desiderio terrenorum et specialiter a pecunia et eius usu totaliter inexpertos, sicut probat prohibitio de recipienda pecunia in regula saepius repetita, curare fratres vigilanter necesse est, quod cum e causis praedictis et modis ad habentes pecunias, deputatas pro ipsorum necessitatibus, recurrere oportebit ad tenentes ipsas, quicumque hi fuerint, principales vel nuncii, in omnibus sic se gerant, quod se cunctis ostendant in dictis pecuniis, sicut nec habent, penitus nil habere. Quapropter praecipere, quod et qualiter pecunia expendatur compurumque exigere de expensa, eam quomodocunque repetere sive deponere aut deponi facere, capsulam pecuniae vel eius elavem deferre, nos actus et consimiles sibi fratres illicitos esse sciant. Praedicta enim facere ad solos dominos pertinet, qui dederunt, et eos quos ipsi deputaverunt ad hoc ipsum. Proinde cum vir sanctus, paupertatis praemissae in regulam modum exprimens, dixerit in eadem: „Fratres nihil sibi approprient, nec domum, nec locum, nec aliquam rem, sed tanquam peregrini et advenae, in hoc saeculo in paupertate et humilitate Domino famulantes, vadant pro eleemosyna confidenter“², sicque declaratum exstitit per nonnullos praedecessores nostros Romanos pontifices, hanc expropriationem intelligi debere tam in speciali quam etiam in communi, propter quod et rerum omnium concessarum, oblatarum et donatarum fratribus, quas et quarum usum, facti scilicet, ordini vel ipsis fratribus licet habere, proprietatem et dominium in se et Romanam ecclesiam recèperunt, dimisso ipsis fratribus in eis tantummodo usu facti simplicis, ad nostrum fuerunt deducta examen, quae in ordine fieri dicebantur et videbantur praedicto voto et puritati ordinis repugnare, videlicet ut ea prosequamur ex ipsis, quae remedio credimus indigere, quod se institui heredes non solum sustinent, sed procurant; item, quod redditus annuos recipiunt interdum in tam notabili quantitate, quod conventus habentes totaliter inde vivunt; item, quod cum ipsorum negotia etiam pro rebus temporalibus in curiis agitantur, assistunt advocatis et procu-

¹ *Rtgula*, cap. IV; *Bull. Francire.* 17; Oliger 181.

² *Rtgula*, cap. VI; *Bull. Francise.* 17; Oliger 183.

it which is not allowed by the said declaration, is, we say, completely and absolutely forbidden. Recourse to special friends is expressly allowed in only two cases, according to the rule. These are “the needs of the sick and the clothing of the friars”¹. Our said predecessor kindly and wisely extended this permission, in view of their needy life, to other wants of the friars which can occur or even be pressing when there are no alms. The friars however are to observe that for no other reasons except the above or those of a similar kind, may they have recourse to such friends, either on the road or elsewhere, whether their friends themselves give the money or their representatives, messengers or trustees, whatever name they are given, even if the ways granted by the above declaration are entirely observed.

The confessor of Christ wished above all that those who professed his rule should be completely detached from love and desire of earthly things, and in particular from money and its use, as is proved by his constantly repeating in the rule the prohibition of accepting money. When, therefore, the friars need, for the reasons mentioned above, to have recourse to those who have money, destined for their needs, whether they are their principal benefactors or their envoys, these friars should so behave in the eyes of all as to show that they are completely unconcerned as regards money, as indeed it does not belong to them. Therefore such actions as to order that the money be spent and in what way, to exact an account, to ask for the return of the money in any way, to put it away or have it put away, and to carry a money-box or its key, are unlawful for the friars. These actions belong properly to the owners who gave the money and to their agents.

When the saint expressed the manner of the friars' poverty in the rule, he said: “The friars should make nothing their own, neither house nor land nor anything, but go confidently to seek alms as pilgrims and strangers serving the Lord in poverty and humility”². This is also the renunciation defined by certain of our predecessors as Roman pontiffs, to be understood both specifically and in general. These pontiffs have therefore accepted for themselves and for the Roman church the absolute ownership of everything granted, offered or given to the friars, leaving them simply the right of use. Yet we have been asked to examine certain practices that are said to go on in the order and seem repugnant to the vow of poverty and the sincerity of the order.

The following are the practices which we believe are in need of remedy. The friars not only allow themselves to inherit, but even bring this about. They sometimes accept annual revenues so high that the friaries concerned can live completely on them. When their affairs, even of a temporal kind, are debated in the courts, they assist the advocates and procurators; in order to encourage

¹ *Rule*, ch. 4; *Bull. Frandsc.* 17; *Oliger* 181.

² *Rule*, ch. 6; *Bull. Frandsc.* 17; *Oliger* 183.

ratoribus, et ad instigandum eosdem se ibidem personaliter repraesentant; item, quod exsecutiones ultimarum suscipiunt voluntatum et gerunt, seque intromittunt quandoque de usurarum vel male ablatorum dispositionibus seu restitutionibus faciendis; item, quod alicubi non solum excessivos hortos, sed etiam vineas magnas habent, de quibus tam de oleribus quam de vino multum colligitur ad vendendum; item, quod temporibus messium vel vindemiarum sic copiose granum et vinum mendicando vel aliunde emendo colliguntur a fratribus et in cellariis et granariis reconduntur, quod per anni residuum et absque eorum mendicatione possunt transigere vitam suam; item, quod ecclesias vel alia aedificia faciunt vel procurant fieri in quantitate et curiositate figurae et formae, ac sumptuositate notabiliter excessiva, sic quod non videntur habitacula pauperum sed magnatum. Paramenta etiam ecclesiastica in plerisque locis tam multa habent et tam notabiliter pretiosa, quod excedunt in his magnas ecclesias cathédrales. Equos insuper et arma eis oblata in funeribus recipiunt indistincte. Tamen communitas fratrum et specialiter rectores ipsius ordinis asserebant, quod praedicta seu plura ex ipsis in ordine non fiebant, quod et, si qui reperiuntur rei in talibus, rigide puniuntur, nec non contra talia, ne fiant, sunt facta pluries ab antiquo statuta in ordine multum stricta. Cupientes igitur nos ipsorum fratrum providere conscientiis, et cuncta dubia, quantum possibile nobis est, de ipsorum pectoribus remove, ad praedicta modo, qui sequitur, respondemus. Cum enim ad veritatem vitae pertineat, ut id quod exterius agitur, interiorum mentis dispositionem et habitum repraesentet, necesse habent fratres, qui se expropriatione tanta a temporalibus abstraxerunt, ab omni eo quod dictae expropriationi esset vel posset videri contrarium, abstinere. Quia igitur in successionibus transit non solum usus rei, sed et dominium suo tempore in heredes, fratres autem praefati nihil sibi in speciali acquirere vel eorum ordini possunt etiam in communi, declarando dicimus, quod successionum huiusmodi, quae etiam ex sui natura indifferenter ad pecuniam et etiam ad alia mobilia et immobilia se extendunt, considerata sui puritate voti nullatenus sunt capaces. Nec licet eis valorem hereditatum talium vel tantam earum partem, quod praesumi posset, hoc in fraudem fieri, quasi sub modo et forma legati sibi dimitti facere vel sic dimissa recipere, quin potius ista sic fieri ab ipsis simpliciter prohibemus. Cumque annui redditus inter immobilia censeantur a iure ac huiusmodi redditus obtinere paupertati et mendicitati repugnet, nulla dubitatio est, quod praedictis fratribus redditus quoscunque, sicut et possessiones vel eorum etiam usum, cum eis non reperiatur concessus, recipere vel habere conditione considerata ipsorum non licet. Amplius, cum non solum, quod malum esse dignoscitur, sed et omne, quod speciem habet mali, sit a viris perfectis specialiter evitandum, ex talibus autem assistentiis in curiis et instigationibus, cum de rebus agitur in ipsorum commoda convertendis, creduntur verisimiliter ex his, quae foris patent, de quibus habent homines foris iudicare, in ipsis rebus fratres assistentes aliquid quaerere tanquam suum, nullo modo debent huiusmodi voti et regulae professores se talibus curiis et litigiosis actibus

them, they present themselves in person. They accept the office of executor of wills and carry it out. They sometimes meddle with settlements involving usury or unjust acquisition and the restitution to be made. Sometimes they have not only extensive gardens but also large vineyards, from which they collect great quantities of vegetables and wine to sell. At the time of harvest they collect so much corn and wine by begging or buying, storing them in their cellars and granaries, that they can live off them without begging for the rest of the year. They build churches or other edifices, or have them built, of such size, style and costliness that they seem to be the abodes of the wealthy not of the poor. The friars in very many places have so many church ornaments and so obviously precious ones as to surpass in this the great cathedrals. They also accept indiscriminately horses and arms offered to them at funerals.

Yet the community of friars, and in particular the rulers of the order, asserted that the above abuses, or most of them, did not exist in the order and any friars found guilty in such matters are punished rigorously. Moreover, very strict laws were passed long ago in the order to prevent such abuses. Wishing, therefore, to provide for the consciences of the friars and to remove, as far as we can, all doubt from their hearts, we give the following replies.

For a way of life to be authentic, outward actions must correspond to the interior attitude of mind. The friars, therefore, who have torn themselves away from temporal possessions by so great a renunciation, must abstain from all that is or may seem to be contrary to that renunciation. Now, heirs acquire not only use of their inheritance but, in time, ownership also, and the friars cannot acquire anything for themselves in particular or for their order in general. We therefore declare that the absoluteness of their vow renders the friars altogether incapable of such inheritance, which of its nature extends both to money and to other movable and immovable goods. Nor may they allow themselves to be left or accept as a legacy the value of such inheritance, or a great part of it, so that it could be presumed that this was done by deceit; indeed, we absolutely forbid this.

Since annual revenues are considered by law as immovable goods, and are contrary to poverty and mendicancy, there is no doubt that the friars may not accept or have revenues of any kind, given their state of life, just as they may not have possessions or even their use, since this use is not granted to them.

Further, not only what is known to be evil, but also everything which has the appearance of evil, should be specially avoided by perfect men. Now, to be present in court and urge their case, when the law is concerned with matters of advantage to them, leads people to believe from external appearances that the friars present are seeking something as their own. In no way, therefore, ought the friars who profess this rule and vow, to meddle in legal processes in such

immiscere, ut et *testimonium* habeant *ab his, quia foris sunt*¹, et puritati satisfaciant voti sui ac evitetur per hoc scandalum proximorum. Verum etiam cum dicti ordinis fratres non solum a receptione, proprietate, dominio sive usu ipsius pecuniae, verum etiam a contrectatione qualibet ipsius et ab ea sint penitus alieni, quemadmodum saepe dictus praedecessor noster in declaratione huiusmodi regulae plane dixit; cumque dicti ordinis professores pro nulla re temporali possint in iudicio experiri, praedictis fratribus non licet nec competit quin potius considerata sui puritate status debent sibi scire interdictum, quod huiusmodi executionibus et dispositionibus se exponant, cum haec saepius absque litigio et contrectatione vel administratione pecuniae nequeant expediri. Verumtamen in his exsequendis dari consilium ipsorum statui non obsistit, cum ex hoc ipsis circa bona temporalia nulla iurisdictio, sive actio in iudicio, sive dispensatio tribuatur. Licet vero non solum sit licitum, sed et multum conveniens rationi, quod fratres qui in laboribus spiritualibus orationis et studii sedulo occupantur, hortos et areas habeant competentes ad recollectionem vel recreationem sui, et interdum ad se ipsos post labores huiusmodi corporaliter deducendos, nec non ad habenda necessaria hortalia pro se ipsis, habere tamen hortos aliquos, ut colantur, ac olera ac alia hortalia pretio distrahantur nec non et vineas, repugnat suae regulae et ordinis puritati. Secundum quod dictus praedecessor declaravit ac etiam ordinavit, quod si talia ad usus proxime dictos, ut puta agrum vel vineam ad colendum et consimilia, fratribus legarentur, per omnem modum fratres a receptione talium abstinerent, cum etiam praemissa habere, ut pretium fructuum suis temporibus habeatur, ad naturam et for proventum appropinquet. Rursus cum praedictus sanctus tam in exemplis vitae quam verbis regulae ostenderit, se velle, quod fratres sui et filii, divinae providentiae innitentes, suos in Deum iacerent cogitatus², qui volucres coeli pascit, quae non congregant in horrea, nec seminant nec metunt³, non est verisimile, voluisse ipsum eos habere granaria vel cellaria, ubi quotidianis mendicationibus deberent sperare posse transigere vitam suam. Et idcirco non ex timore levi relaxare se debent ad congregationes et conservationes huiusmodi faciendas, sed tunc tantum, cum esset multum credibile ex iam expertis, quod non possent vitae necessaria aliter invenire. Hoc autem ministrorum et custodum simul et separation in suis administrationibus et custodiis, cum guardiani et duorum de conventu loci discretorum sacerdotum et antiquorum in ordine fratrum consilio et assensu, duximus iudicio relinquendum, eorum super hoc specialiter conscientias onerantes. Hinc est etiam, quod, cum vir sanctus fratres suos in paupertate summa ac humilitate fundare voluerit, quoad affectum pariter et effectum, sicut fere regula tota clamat, convenit ipsis, quod nullo modo deinceps fieri faciant vel fieri sustineant ecclesias vel alia quaecumque aedificia, quae considerato fratrum inhabitantium numero, excessiva in multitudine et magnitudine debeant reputari. Ideoque volumus, quod ubique in suo ordine deinceps tempera-

¹ 1 Tm 3,7; cf. Col 4,5; 1 Th 4,11.

* Cf. Ps 54, 23; 1 Pt 5,7.

» Cf. Mt 6, 26.

courts. By abstention they will be *thought well of by outsiders'*, and they will live up to the purity of their vow and avoid scandal to their neighbour. Indeed, the friars are to be complete strangers not only to the acceptance, possession, ownership or use of money, but even to any handling of it, as our said predecessor has repeatedly and clearly said in his interpretation of the rule. Also, the members of this order cannot go to law for any temporal thing. The friars may therefore not lend themselves to such legal processes, but rather consider them forbidden by the purity of their state, because these activities cannot be concluded without litigation and the management or administration of money. Nevertheless they do not act in a manner contrary to their state if they give advice for the execution of these affairs, since this advice does not confer upon them any jurisdiction or legal authority or administration with regard to temporal goods.

Certainly it is not only lawful but very reasonable that the friars who devote themselves to the spiritual works of prayer and study should have gardens and open spaces for recollection and recreation, and sometimes in order to provide a bodily distraction after their spiritual labours, as also to cultivate vegetables for their needs. To keep gardens, however, in order to cultivate vegetables and other garden produce for sale, and vines likewise, is inconsistent with the rule and purity of their order. Our said predecessor has declared and also ordained that if, for this kind of use, someone were to leave a field or a vineyard or something of this nature to the friars, they should refrain absolutely from accepting it, since to have such things in order to receive the price of the produce in season is similar to having an income.

Again, saint Francis has shown, both by the example of his life and by the words of his rule, that he wishes his brothers and sons, relying on divine providence, to cast their burden on the Lord¹, who feeds the birds of the air, which neither sow nor reap nor gather into barns³. It is not likely, then, that he would have wished them to have granaries or wine-cellars, when they hope to live by daily begging. And for that reason they should not lay by provisions from some slight fear, but only when it is very probable from experience that they will not otherwise find the necessities of life. We therefore consider that the decision should be left to the consciences of the ministers and guardians, both as a body and separately in their offices and guardianships, acting with the advice and consent of the guardian and two discreet older priests from a house of the order in the area.

The saint wished to establish his friars in the greatest poverty and humility, both in inclination and in fact, as practically the whole rule proclaims. It is only right, then, that they should in no way build, or allow to be built, churches or edifices of any kind which, in relation to the numbers of friars living there, might be considered excessive in number or in size. We therefore wish that, everywhere in the order, the friars should be satisfied with buildings which are modest

¹ 1 Tm 3, 7; see Col 4, 5; 1 Th 4, 11.

² See Ps 54, 23; 1 Pt 5, 7. ³ See Mt 6, 26.

tis et humilibus aedificiis sint contenti, ne huic tantae paupertati promissae, quod patet oculis, contrarium foris clamet. Quamvis etiam paramenta et vasa ecclesiastica ad honorem divini nominis ordinentur propter quem omnia fecit ipse Deus, tamen *qui absconditorum est cognitor*¹, ad
 s animum sibi ministrantium respicit principaliter, non ad manum nec per illas sibi vult serviri, quae suorum servitorum conditioni et statui dissonarent, propter quod sufficere debent eis vasa et paramenta ecclesiastica decentia, in numero et in magnitudine sufficientia competenter. Superfluitas autem aut nimia pretiositas vel quaecumque curiositas in
 io his seu aliis quibuscunque non potest ipsorum professioni vel statui convenire. Cum enim haec sapiant thesaurizationem seu copiam, paupertati tantae quoad humanum iudicium derogant manifeste. Quapropter praemissa servari a fratribus volumus et mandamus. Circa equorum vero et armorum oblationes illud decernimus in omnibus et per omnia observandum, quod per declarationem praedictam in pecuniariis noscitur
 is eleemosynis diffinitum. Ex praemissis autem succrevit non parum scrupulosa quaestio inter fratres, videlicet utrum ex suae professione regulae obligentur ad arctum et tenuem sive pauperem usum rerum; quibusdam ex ipsis credentibus et dicentibus, quod sicut quoad dominium rerum
 20 habent ex voto abdicationem arctissimam, ita ipsis quoad usum arctitudo maxima et exilitas est indicta; aliis in contrarium asserentibus, quod ex professione sua ad nullum usum pauperem, qui non exprimatur in regula, obligantur, licet teneantur ad usum moderatum temperantiae, sicut et magis ex condecenti, quam ceteri christiani. Volentes itaque conscientiarum praedictorum fratrum providere quieti et his altercationibus finem
 25 dare, declarando dicimus, quod fratres Minores ex professione suae regulae specialiter obligantur ad arctos usus seu pauperes, qui in ipsorum regula continentur, et eo obligationis modo, sub quo continet seu ponit regula dictos usus. Dicere autem, sicut aliqui asserere perhibentur, quod
 30 haereticum sit, tenere usum pauperem includi vel non includi sub voto evangelicae paupertatis, praesumptuosum et temerarium iudicamus. Demum quia ex eo, quod dicta regula, per quos et ubi fieri debeat ministri generalis electio, tradens, nullam facit de ministrorum provincialium electione vel institutione penitus mentionem, oriri super hoc poterat
 35 dubitatio inter fratres, nos volentes posse ipsos clare ac secure procedere in omnibus factis suis, declaramus, statuimus etiam et ordinamus in hac constitutione in perpetuum valitura, ut cum alicui provinciae de ministro fuerit providendum, ipsius ministri electio penes capitulum provinciale resideat, quam idem capitulum die sequenti, qua fuerit congregatum,
 40 facere teneatur; ipsius autem electionis confirmatio ad ministrum pertineat generalem. Et si quidem ad electionem huiusmodi per formam scrutinii procedatur et, votis in diversa divisis, electiones plures in discordia celebrari contingat, illa quae a maiori parte capituli numero (nulla zeli vel meriti collatione aut consideratione habita) fuerit celebrata,
 45 exceptione seu contradictione quacunque alterius partis non obstante,

¹ Dn 13, 42.

and humble, lest outward appearances, which strike the eye, should contradict the great poverty promised by the heart.

Although church ornaments and vessels are ordained to the honour of God's name, for which purpose God created everything, yet *he who discerns what is secret*[†] looks chiefly at the heart of those who serve him, not at their hands. He does not wish to be served through things which jar with the professed life-style of his servants. The friars should therefore be content with vessels and church ornaments which are seemly in appearance and sufficient in size and number. Excess, costliness or over-elaboration in these or in anything else does not become the friars' profession or state of life. Everything which smacks of treasure and abundance detracts, in the eyes of people, from the profession of such great poverty. We therefore wish and command the friars to observe what we have said.

As for the presents of horses and arms, we decree that everywhere and in everything the aforesaid declaration concerning alms of money be observed.

From the above matters, however, there has arisen among the friars an uneasy question, namely, whether their rule obliges them to a strict and meagre use of things. Some of the friars believe and say that, just as they are vowed to a very strict renunciation of ownership, they are also enjoined the greatest restraint in the use of things. Other friars on the contrary assert that by their profession they are not obliged to any restrained use that is not expressed in the rule; they are however obliged to a temperate use, in the same way as other Christians and even more fittingly. Wishing, then, to give peace to the friars' consciences and to put an end to these disputes, we declare that the friars Minor in professing their rule are obliged specially to the strict and restrained use expressed in the rule. To say, however, as some are said to assert, that it is heretical to hold that a restricted use of things is or is not included in the vow of evangelical poverty, this we judge to be presumptuous and rash.

Finally, -when the rule states by whom and where the minister general should be elected, it makes no mention at all of the election or appointment of provincial ministers. There can arise some uncertainty among the friars on this point. We wish them to be able to go forward with clarity and security[†] in all they do. We therefore declare, decree and ordain in this constitution of perpetual validity[†], that when a province is to be provided with a minister, his election belongs to the provincial chapter. It shall hold the election the day after assembling. The confirmation of the election belongs to the minister general. If this election is made by ballot, and the votes are divided in such a way that several ballots are made without agreement, then the choice made by the numerical majority of the chapter (leaving aside considerations of zeal or merit), notwithstanding objections of any kind from the other side, is to be confirmed or invalidated by the

[†] Dn 13, 42.

per dictum generalem ministrum de consilio discretorum de ordine, prius tamen ex officio, prout spectat ad ipsum, diligenti examinatione praemissa, confirmetur vel etiam infirmetur, prout eis secundum Deum visum fuerit expedire. Et si fuerit infirmata, ad capitulum provinciale electio huiusmodi revertatur. Ceterum si capitulum memoratum die 5 praedicta ministrum eligere praetermittat, extunc ministri provincialis provisio ad generalem ministrum libere devolvatur. Verum si ministro praedicto et capitulo generalibus ex certa, manifesta ac rationabili causa videretur aliquando in provinciis ultramarinis Hyberniae seu Graeciae, seu Romae, in quibus hactenus alius providendi modus dicitur ex causa 10 certa et rationabili fuisse servatus, expedire, ministrum provincialem per ministrum generalem cum proborum ordinis consilio potius, quam per capituli praedicti electionem praefici in provinciis Hyberniae, etiam ultramarinis irrefragabiliter, in Romana vero vel Graeca, quando minister dictae provinciae moreretur vel absolveretur citra mare, illa vice servetur 15 absque dolo, partialitate et fraude (super quo eorum conscientias oneramus), quod super hoc dictus minister cum dictorum proborum consilio duxerit ordinandum. In destitutione vero dictorum ministrorum provincialium servari volumus, quod super hoc hactenus de ipso ordine exstiterit observatum. Ceterum si contingeret eodem ministro generali carere, per vicarium ordinis fiat super hoc, quod faciendum fuerit per eundem ministrum, usque quo provisum fuerit de generali ministro. Porro si quid de huiusmodi ministro provinciali secus attentari forte contigerit, illud ipso facto sit irritum et inane. Nulli igitur ... Si quis autem__ 1

25

1 c. 1 V 11 *iaCint.* (Fr 2,1193-1200); ed. est etiam in *Seraphict legislation!! texius originale!...*,
; *Bail. Frauiic.*, V Romae 1898, nr. 195; cf. inter alios
Fr. Ehrle, 2* r *Varguchitbte eiuCeacilsfoa Vienne*, Archiv fur Litentur- und Kirchengeschichte des Mittehlters 3 (1887) 41-195; Müller 308-352 et passim; G. Fussenegger, *Relatio canuduiotùr in Concilio Viennenri institutae ad decretalem »Exioi de paradiso" praeparandam*, Archivum Frandscanum historicum 50 (1957) 145-177; R. Manselli, *Spirituali e begbini in Prononça*, Roma 1959» 107-109 et passim.

minister general. Having first given careful consideration to the matter, in accordance with his office, he shall take counsel with discreet members of the order, so that a decision is made which is pleasing to God. If the minister general invalidates the election, the provincial chapter shall vote again, if the chapter does not elect its minister on the day mentioned, the minister general shall freely provide a provincial minister. There are, however, certain provinces— Ireland, Greece and Rome — which are said to have had until now, for just reasons, another way of providing the provincial minister. In these cases, if the minister general and the general chapter judge, with good reason, that the provincial minister should be appointed by the minister general, with the advice of good religious of the order, rather than by the election of the provincial chapter, this shall be done without dispute for the provinces of Ireland, Rome and Greece, when the previous provincial minister dies or is relieved of office on this side of the sea; there shall be no deceit, partiality or fraud, the burden resting on the consciences of those who decide the appointment. As for the dismissal of provincial ministers, we wish the order to retain the procedure which has been customary up to now. For the rest, if the friars are without a minister general, his duties shall be carried out by the vicar of the order until there is a new minister general. Further, if there be any attempted violation of this decree concerning the provincial minister, such action shall be automatically null and void.

Let nobody therefore ... If anyone however .. J

¹ ch. 1 V 11 *Clementines* (Fr 2, 1193-1200); also printed in *Seraphice legislationis textus originales* ..., Quaracchi 1897, 229-260; *Bull. Francise.*, 5 Rome 1898, no. 195; see among others Fr. Ehrle, *Zur Vorgeschichte des Canals von Vienne*, Archiv für Literatur- und Kirchengeschichte des Mittelalters 3 (1887) 41-195; Muller 308-352 and passim; G. Fussenegger, *Relatio commissionis in Concilio Viennensi institutae ad decretalem "Exivi de paradiso" praeparandam*, Archivum Franciscanum historicum 50 (1957) 145—177; R. Manselli, *Spirituali e beghini in Provenza*, Rome 1959, 107-109 and passim; D. Nimmo, *Reform and Division in the Medieval Franciscan Order*, Rome 1987, 119-134.

Constance
1414-1418

INTRODUCTION

This council was summoned by John XXIII, the Pisan pope, with the support of Emperor Sigismund. It began on 5 November 1414 in the cathedral of Constance, with many bishops from all parts of Europe. Business in the council was transacted in a way that was largely new for an ecumenical council, namely votes were cast not by individual persons but by nations.

The council, from the very beginning, proposed the following three topics:

1. To bring unity back to the church and to make an end to the schism, which had divided the church since 1378 and which the council held at Pisa in 1409 had not healed but rather aggravated when it elected Alexander V as a third pope. When the council of Constance opened, Christians owed obedience to three different popes: some owed obedience to Gregory XII of the Roman party, others to Benedict XIII of the Avignon party, and others to John XXIII, who had been elected after the death of Alexander V. John XXIII and Benedict XIII were deposed by the council, Gregory XII voluntarily resigned. Then Martin V was elected pope on 11 November 1417 and he was regarded as the legitimate pontiff by the church as a whole.

2. To eradicate heresies, especially those spread by John Wyclif in Britain and by John Hus and Jerome of Prague in Bohemia.

3. To reform the corrupt morals of the church. This, however, was only partly accomplished in the final sessions of the council.

With regard to the ecumenical nature of the sessions, there is dispute about those before the election of Martin V and also about the significance and force of the approval which he gave to the matters transacted by the council. The decrees, notably those of sessions 3-5 and the decree *Frequens* (session 39), appear to proceed from the council's teaching. Objection has been made to them on the grounds of the primacy of the Roman pontiff. There is no doubt, however, that in enacting these decrees there was solicitude and care to choose the true and sure way ahead in order to heal the schism, and this could only be done by the authority of a council.

The acts of the council of Constance were first published by Jerome of Croatia at Hagenau in 1500 (*Acta scitu dignissima docteque concinnata Constantiensis concilii celebratissimi* = Asd), from the epitome of the acts which the council of Basel had ordered to be compiled and publicly accepted in 1442. This edition of the Basel epitome was followed by all general collections of the councils (including *Editio Romana*, IV 127-300, even though it ignores the council of Basel). These collections, down to Mansi (27, 529-1240), added various appendices. H. von der Hardt, in his great collection of the sources of the council of Constance, made an edition of the acts and decrees of the council according to the earliest trustworthy documents (*Magnum oecumenicum Constantiense concilium*, in six tomes, Frankfurt-Leipzig 1696-1700; tome IV, *Corpus actorum et decretorum magni Constantiensis concilii de Ecclesiae refor-*

madone, unione acfide = Hardt)l. We have followed von der Hardt's edition throughout and have noted only the principle variants provided by Asd. We indicate only, and do not print, the decrees pertaining to the internal administration of the council and of the church and to judicial acts.

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See C. Crowder, *Le condle de Constance et l'édition de von der Hardt*, *Revue d'histoire ecclésiastique* 57 (1962) 409-445.

TEXT AND TRANSLATION

SESSIO I

16 nov. 1414

[De rebus in concilio tractandis, quo ordine et quibus ministris]¹*

Ioannes episcopus, servus servorum Dei, ad futuram rei memoriam. Intendentes ad exeeurionem eorum, quae per felicitis recordationis Alexandrum, papam V praedecessorem nostrum, in concilio Pisano decreta fuerunt³ circa convocationem concilii generalis iterum faciendam, alias
5 praesens concilium convocavimus per nostras litteras, quarum tenorem hic duximus inserendum :

Ioannes episcopus ...'

Et subinde cum venerabilibus fratribus nostris, sanctae Romanae ecclesiae cardinalibus, et nostra curia, ad hanc civitatem Constantiensem
10 venimus tempore constituto. Et nunc per Dei gratiam hic existentes, cum huius sacrae synodi consilio intendimus insistere, ad pacem, exaltationem et reformationem ecclesiae, ac tranquillitatem populi christiani.

Et quia in hac re tam ardua non est propriis viribus aliquid praesumen-
15 dum, sed de Dei adiutorio confidendum, ideo a cultu divino inchoantes, hoc sacro approbante concilio, ordinavimus, quod hac ipsa die specialis missa ad hoc constituta diceretur. Sicuri per Dei gratiam nunc celebrata est. Quam etiam missam constituimus, in hac et in singulis aliis ecclesiis collegiatis, secularibus et regularibus huius civitatis, semel in hebdomade,
20 videlicet feria quinta, hoc sacro concilio durante, collegialiter celebrari. Et ut eo ferventius huic sacrae celebrationi fideles insistant, quo ampliori gratiae munere senserint se refectos, omnibus et singulis vere poenitentibus, et confessis, videlicet sacerdotibus, dictas missas celebrantibus, pro singulis missis unum annum, interessentibus vero quadraginta dies, de iniunctis sibi poenitentiis misericorditer in Domino relaxamus. Ad cuius etiam missae celebrationem exhortamur venerabiles fratres nostros, sanctae Romanae ecclesiae cardinales, nec non patriarchas, archiepiscopos, episcopos, ac dilectos filios, electos, abbates, caeterosque in sacerdotio constitutos, ut et ipsi ad impetrandum praedictum divinum auxilium cum devotione singulis septimanis praedictam missam semel celebrent: quibus celebrantibus et celebrationi interessentibus similes indulgentias elargimur. Exhortamur etiam in Domino omnes et singulos, qui Christi nomine gloriantur, ut ad obtinendam optatam consummationem tantae rei diligenter insistant orationibus, ieiuniis, eleemosynis, et aliis piis operibus, ut Deus ex nostra et ipsorum humilitate placatus dignetur felicem exitum huic sacrae congregationi concedere.

Praeterea considerantes, quod praecipuum agendum in concilio secundum laudabiles observantias antiquorum conciliorum est de his, quae con-

¹ Haec schedula Ioannis XXIII lecta est et approbata a concilio in hac prima sessione.

³ Conc. Pisanum (1409), sess. XXII (Msi 26,1155).

* Lecta hic est bulla convocationis concilii *Ad pacem et exaltationem ecclesiae*, 9 dec. 1413 data.

SESSION I

16 November 1414

[On the matters to be treated in the council, in which order and by which officials']

John, bishop, servant of the servants of God, for future record. Wishing to carry out those things which were decreed at the council of Pisa² by our predecessor of happy memory, pope Alexander V, regarding the summoning of a new general council, we earlier convoked this present council by letters of ours, the contents of which we have ordered to be inserted here:

John, bishop ?

We have therefore come together with our venerable brothers, cardinals of the holy Roman church, and our court to this city of Constance at the appointed time. Being present here by the grace of God, we now wish, with the advice of this sacred synod, to attend to the peace, exaltation and reform of the church and to the quiet of the Christian people.

In such an arduous matter it is not right to rely on one's own strength, but rather trust should be placed in the help of God. Therefore, in order to begin with divine worship, we decreed, with the approval of this sacred council, that a special mass for this purpose should be said today. This mass has now been duly celebrated, by the grace of God. We now decree that such a mass shall be celebrated collegially in this and every other collegiate church of this city, whether secular or regular, once a week, namely each Friday, for the duration of this sacred council. Moreover, in order that the faithful may devote themselves to this holy celebration most fervently, whereby they will feel themselves refreshed by a more abundant gift of grace, we relax, mercifully in the Lord, the following amounts of enjoined penance to each and every one of them who is truly penitent and has confessed: for each mass, one year to the celebrating priest and forty days to those present at it. Furthermore, we exhort our venerable brothers, cardinals of the holy Roman church, as well as patriarchs, archbishops and bishops, and our beloved chosen sons, abbots and others in the priesthood, devoutly to celebrate this mass once every week, in order that the aforesaid divine aid may be implored; and we grant the same indulgences to the celebrant and to those present at the mass. We exhort in the Lord, moreover, each and all who glory in the name of Christ, in order that the desired outcome to so great a matter may be obtained, to give themselves diligently to prayer, fasting, almsgiving and other pious works, so that God may be placated by our and their humility, and so deign to grant a happy outcome to this sacred gathering.

Considering, moreover, that a council should specially treat of those matters which concern the catholic faith, according to the praiseworthy practices of the

² This document of John XXIII was read and approved by the council at this first session.

The council of Pisa (1409), session 22 (Msi 26, 1155).

¹ Here was read the bull convoking the council, *Ad pacem et exaltationem ecclesiae*, dated 9 December 1413.

cernunt catholicam fidem, et attendentes, quod talia propter suam ardu-
tatem exigant diligentiam, tempus sufficiens ac studium, exhortamur
omnes habentes peritiam sacrarum litterarum, ut diligenter secum et cum
aliis illa cogitent atque tractent, quae eis videbuntur ad hanc rem utilia et
5 opportuna; quamprimum commode poterunt, illa ad nostram et huius
sacrae synodi notitiam perducant, ut tempore opportuno possint ea
determinari, quae videbuntur tenenda vel repudianda pro utilitate et
incremento ipsius catholicae fidei.

Et specialiter cogitent circa nonnullos errores, qui a certis temporibus
10 dicuntur in nonnullis partibus pullulasse, et maxime circa illos, qui ortum
dicuntur habuisse a quodam Ioanne dicto Wicleff.

Insuper etiam exhortamur omnes catholicos hic congregatos, et alios
ad hanc sacram synodum venturos, ut velint diligenter cogitare, et pro-
sequi, et ad nos et eandem sacram synodum perducere ea, per quae possit
is etiam congregatio catholicorum ad debitam reformationem et optatam
tranquillitatem Deo iuvante perducii. Nostrae namque intentionis et
voluntatis est, ut omnes hac de causa congregati cum omnimoda liber-
tate possint dicere, consulere, et facere, omnia et singula, quae ad prae-
missa putaverint pertinere.

20 Ut autem notus sit modus, qui in huius sacrae synodi processu servan-
dus est, tam quoad ea, quae dicenda et determinanda erunt, quam etiam
quoad gestum et morum compositionem, putamus in hoc recurrendum
ad observantias antiquorum patrum, quae maxime colliguntur ex canone
Toletani concilii, cuius tenorem hic duximus inserendum¹.*

25 In loco benedictionis considentes domini sacerdotes nullus debet aut indiscretis vocibus
perstrepere, aut quibuslibet tur-
bulis perturbare, nullus etiam fabulis vanis, vel risibus,
et, quod est deterius, obstinatis disceptationibus tumultuosas debet voces effundere. *Si quis*
enim, ut ait apostolus, *perit se religiosum esse, non refrenans linguam suam, sed seducens cor suum,*
*buisu rana est religio*³. Cultum enim suum iusticia perdit, quando silentia iudicii obstrepentium
30 turba confundit, dicente propheta: *Erit cultus iustitiae, silentium*³. Debet ergo quicquid aut
considentium consultationibus agitur, aut ab accusantium parte proponitur, mitissima ver-
borum relatione proferri, ut nec contentiosis vocibus sensus audientium turbetur, et iudicii
vigorem de tumultu enervent. Quicumque ergo in conventu concilii haec, quae praemissa
sunt, violanda crediderit, et contra haec interdicta aut tumultu aut contumeliis vel risibus
35 concilium perturbaverit, iuxta divinae legis edictum (quo praecipitur: *eiice derisorem, et*
*exibit cum eo iurgium**) cum omni dedecore de consessione abstractus a communi coetu rece-
dat, et trium dierum excommunicati-
onis sententiam ferar

Et quoniam contingere potest, quod aliqui ex considentibus non erunt
in sedibus debitis collocati, eodem sacro approbante concilio decernimus,
40 quod ex sessione huiusmodi nulli ecclesiae vel personae praeiudicium
generetur.

Quia vero ad prosecutionem huius concilii requiruntur certi ministri
et officiales, ideo hoc sacro approbante concilio deputamus infra scriptos,
videlicet dilectos filios .. ?

¹ Conc. Toletanum XI (675), c. 1 (Msi 11,137; Bruns 1, 308), c. 3 C. V q. 4 (Fr 1, 548).
«Ic1,26. » Is 32,17. « Pro 22,10.

⁶ Deputantur hic ministri et officiales condlii

early councils, and aware that such things demand diligence, sufficient time and study, on account of their difficulty, we therefore exhort all those who are well versed in the sacred scriptures to ponder and to treat, both within themselves and with others, about those things which seem to them useful and opportune in this matter. Let them bring such things to our notice and to that of this sacred synod, as soon as they conveniently can, so that at a suitable time there may be decided what things, it seems, should be held and what repudiated for the profit and increase of the same catholic faith.

Let them especially ponder on the various errors which are said to have sprouted in certain places at various times, especially on those which are said to have arisen from a certain John called Wyclif.

We exhort, moreover, all Catholics assembled here and others who will come to this sacred synod that they should seek to think on, to follow up and to bring to us, and to this same sacred synod, those matters by which the body of Catholics may be led, if God is willing, to a proper reformation and to the desired peace. For it is our intention and will that all who are assembled for this purpose may say, consult about and do, with complete freedom, each and all of the things that they think pertain to the above.

In order, however, that a rule may be observed in the procedure of this sacred synod with regard to what things are to be said and decided, the action to be taken and the regulating of customs, we think that recourse should be had to the practices of the ancient fathers, which are best learned from a canon of the council of Toledo, the contents of which we have decided to insert here[†]:

Nobody should shout or in any way disturb the Lord's priests when they sit in the place of blessing. Nobody should cause disturbance by telling idle stories or jokes or, what is even worse, by stubborn disputes. As the apostle says, *if anyone thinks himself religious and does not bind his tongue but deceives his heart, then his religion is vain*². For, justice loses its reverence when the silence of the court is disturbed by a crowd of turbulent people. As the prophet says, *the reverence due to justice shall be silence*³. Therefore whatever is being debated by the participants, or is being proposed by persons making an accusation, should be stated in quiet tones so that the hearers' senses are not disturbed by contentious voices and they do not weaken the authority of the court by their tumult. Whoever thinks that the aforesaid things should not be observed while the council is meeting, and disturbs it with noise or dissensions or jests, contrary to the things forbidden here, shall leave the assembly, dishonourably stripped of the right to attend, according to the precept of the divine law (whereby it is commanded: drive out the scoffer, and strife will go out with him⁴), and he shall be under sentence of excommunication for three days.

Since it may happen that some of the participants will not be in their rightful seats, we decree, with this sacred council's approval, that no prejudice shall arise to any church or person as a result of this seating arrangement.

Since certain ministers and officials are required in order that this council may proceed, we therefore depute, with this sacred council's approval, those named below, namely our beloved sons.. .⁵

[†] The eleventh council of Toledo (675), canon 1 (Msi 11, 137; Bruns 1,308), ch. 3 C. V q. 4 (Fr 1, 548).

¹ Jas 1,26. ³ Is 32, 17. ⁴ Pro 22, 10.

⁵ Here follow the appointments of the council's ministers and officials.

SESSIO II

2 mart. 1415

[Cessionem papatus sui publice Ioannes XXIII obtulit.]

SESSIO III

26 mart. 1415

[Decreta pro concilii integritate et auctoritate
post fugam papae]

Ad honorem, laudem et gloriam sanctissimae Trinitatis, Patris et Filii et Spiritus sancti, pacemque in terris hominibus bonae voluntatis² divinitus promissam in Dei ecclesia consequendum, haec sancta synodus, sacrum generale concilium Constantiense nuncupata, pro unione et reformatione¹ dictae ecclesiae in capite et in membris fienda, in Spiritu sancto hic debite⁶ congregata, decernit, declarat, diffinit, et ordinat, ut sequitur.

io

Et primo, quod ipsa synodus fuit, et est recte et rite^c convocata ad hunc locum civitatis Constantiensis, et similiter recte et rite initiata et celebrata.

Item, quod per recessum domini nostri papae de hoc loco Constantiensi, vel etiam per recessum aliorum praelatorum, seu aliorum quorumcumque, non est dissolutum^h hoc sacrum concilium, sed remanet in sua integritate et auctoritate, etiam si quae ordinationes factae essent in contrarium, vel fierent in futurum.

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Item, quod istud sacrum concilium non debet dissolvi, nec dissolvatur usque ad perfectam exstirpationem praesentis schismatis, et quousque ecclesia sit reformata in fide et in moribus, in capite et in membris.

Item, quod ipsum sacrum concilium non transferatur ad alium locum, nisi ex causa rationabili, et de consilio huius sacri concilii deliberanda et concludenda.

Item, quod praelati, et alii qui debent interesse huic concilio, non recedant de hoc loco ante finitum concilium, nisi ex causa rationabili, examinanda per deputatos, seu deputandos ab hoc sacro concilio. Qua causa examinata et approbata, possint recedere cum licentia eius vel illorum, qui habebit vel habebunt⁴ auctoritatem: et tunc recedens teneatur dimittere potestatem suam aliis remanentibus, sub poenis iuris, et aliis per hoc sacrum concilium indicendis, et contra eos exsequendis.

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» reformatione et unione *Aid* b in Spiritu sancto legitime *Aid*c rite et iuste *Aid* d habet vel habent *Aid* e et in contrarium facientes *Aid*

1 Ioannes XXIII Constantia fugerat die 20 martii 1415. * Cf. Lc 2, 14.

SESSION 2

2 March 1415

[John XXIII publicly offers to resign the papacy)

SESSION 3

26 March 1415

[Decrees on the integrity and authority of the council, after the pope's flight¹]

For the honour, praise and glory of the most holy Trinity, Father and Son and holy Spirit, and to obtain on earth, for people of good will², the peace that was divinely promised in God's church, this holy synod, called the sacred general council of Constance, duly assembled here in the holy Spirit for the purpose of bringing union and reform to the said church in its head and members, discerns, declares, defines and ordains as follows.

First, that this synod was and is rightly and properly summoned to this city of Constance, and likewise has been rightly and properly begun and held.

Next, that this sacred council has not been dissolved by the departure of our lord pope from Constance, or even by the departure of other prelates or any other persons, but continues in its integrity and authority, even if decrees to the contrary have been made or shall be made in the future.

Next, that this sacred council should not and may not be dissolved until the present schism has been entirely removed and until the church has been reformed in faith and morals, in head and members.

Next, that this sacred council may not be transferred to another place, except for a reasonable cause, which is to be debated and decided on by this sacred council.

Next, that prelates and other persons who should be present at this council may not depart from this place before it has ended, except for a reasonable cause which is to be examined by persons who have been, or will be, deputed by this sacred council. When the reason has been examined and approved, they may depart with the permission of the person or persons in authority. When the individual departs, he is bound to give his power to others who stay, under penalty of the law, as well as to others appointed by this sacred council, and those who act to the contrary are to be prosecuted.

¹ John XXIII had fled from Constance on 20 March 1415.

² See Lk 2, 14.

SESSIO IV

30 mart. 1415

[Decreta concilii de auctoritate et integritate eius,
uti per cardinalem Zabarellam¹ in praelegendo sunt decurtata]

In nomine sanctae et individuae Trinitatis, Patris et Filii et Spiritus sancti. Amen. Haec sancta synodus Constantiensis, generale concilium faciens, pro extirpatione praesentis schismatis, et unione ac reformatione ecclesiae Dei in capite et in membris fienda, ad laudem omnipotentis Dei in Spiritu sancto legitime congregata, ad consequendum facilius, securius, uberius et liberius unionem et reformationem ecclesiae Dei, ordinat, diffinit³, statuit, decernit et declarat ut sequitur.

Et primo, quod ipsa synodus in Spiritu sancto legitime congregata, generale concilium faciens, ecclesiam catholicam militantem repraesentans, potestatem a Christo immediate habeat^b, cui quilibet cuiuscumque status vel dignitatis, etiam si papalis existat, obedire tenetur in his quae pertinent ad fidem et extirpationem dicti schismatis^c.

Item, quod sanctissimus dominus noster papa Ioannes XXIII Romanam curiam, et officia publica, illius, vel illorum officarios, de hac civitate ad alium locum non mutet aut transferat seu personas dictorum officiorum ad sequendum eum directe vel indirecte cogat, sine deliberatione et consensu ipsius sanctae synodi et hoc quoad illos officarios, vel illa officia, per quorum absentiam concilium verisimiliter dissolveretur, vel laederetur. Et si contrarium fecisset, seu faceret in futurum aut aliquos processus, seu mandata contra dictos officarios, vel alios quoscumque huic concilio adhaerentes, etiam censuras ecclesiasticas, aut alias poenas quascumque continentes, ut ipsum sequantur, fulminasset, fulminaret, seu fulminaverit, totum sit irritum et inane, nec eisdem processibus, censuris et poenis, tamquam irritis et inanibus, quomodolibet obediendum fore, et ea et eos irritat. Quin immo dicti officarii in dicta civitate Constantiensi suis officiis utantur, et illa exercent libere ut prius, quamdiu ipsa sancta synodus in eadem civitate celebrabitur.

Item, quod omnes et singulae translationes praelatorum, nec non privationes eorumdem, aut aliorum beneficiariorum quorumcumque, commendarum ac donationum revocationes, monitiones, censurae ecclesiasticae, processus, sententiae^d, acta et gesta, gerenda, agenda et fienda per praefatum dominum nostrum, ac suos officarios, seu commissarios, in laesionem concilii, seu adhaerentium eidem, a tempore sui recessus, contra adhaerentes huic sacro concilio, vel existentes in eodem, aut in ipsorum praeiudicium, seu alicuius eorumdem, quomodolibet ipsis invitis facta

^a disponit *Asd* ^b habet *Asd*

^c et reformationem generalem ecclesiae Dei in capite et in membris *add. Asd. Quae*
40 *verba ne inveniuntur quidem in codicibus fide diffitis Basileensis epitomes (cf. Hardt IV, proleg. 15 sq.)*

^d processus, sive *Asd*

¹ De Francisco Zabarella v. EC 12 (1954) 1751.

SESSION 4

30 March 1415

[Decrees of the council on its authority and integrity, in the abbreviated form read out by cardinal Zabarella']

In the name of the holy and undivided Trinity, Father and Son and holy Spirit. Amen. This holy synod of Constance, which is a general council, for the eradication of the present schism and for bringing unity and reform to God's church in head and members, legitimately assembled in the holy Spirit to the praise of almighty God, ordains, defines, decrees, discerns and declares as follows, in order that this union and reform of God's church may be obtained the more easily, securely, fruitfully and freely.

First, that this synod, legitimately assembled in the holy Spirit, constituting a general council, representing the catholic church militant, has power immediately from Christ, and that everyone of whatever state or dignity, even papal, is bound to obey it in those matters which pertain to the faith and the eradication of the said schism.

Next, that our most holy lord pope John XXIII may not move or transfer the Roman curia and its public offices, or its or their officials, from this city to another place, nor directly or indirectly compel the persons of the said offices to follow him, without the deliberation and consent of the same holy synod; this refers to those officials or offices by whose absence the council would probably be dissolved or harmed. If he has acted to the contrary in the past, or shall in the future, or if he has in the past, is now or shall in the future fulminate any processes or mandates or ecclesiastical censures or any other penalties against the said officials or any other adherents of this council, to the effect that they should follow him, then all is null and void and in no way are the said processes, censures and penalties to be obeyed, inasmuch as they are null and void, and they are invalid. The said officials are rather to exercise their offices in the said city of Constance, and to carry them out freely as before, as long as this holy synod is being held in the said city.

Next, that all translations of prelates, and depositions of the same, or of any other beneficed persons, revocations of commendams and gifts, admonitions, ecclesiastical censures, processes, sentences, acts and whatever has been or will be done or accomplished by our aforesaid lord and his officials or commissaries, from the time of his departure, to the injury of the council or its adherents, against the supporters or participants of this sacred council, or to the prejudice of them or any one of them, in whatever way they may have been or shall be

* and the general reform of God's church in head and members *adds Asd. These words are not found even in the reliable codices of the Basle epitome (see Hardt IV, prologue IS.ff)*

† On Francesco Zabarella, see EC 12 (1954) 1751 and NCE 14 (1967) 1101.

vel fienda, factae vel facti, faciendae vel faciendi, ipso iure sint nulla, cassa, irrita et inania, cassae, irritae et inanes, ac nullius roboris vel momenti et sua auctoritate cassat, irritat et annullat.

[Item, fuit declaratum et conclusum, quod de qualibet natione eligantur tres qui cognoscant de causis recedere volentium, et poenis recedentium sine licentia infligendis.]¹

Item, quod pro bono unionis non creentur novi cardinales. Et ne fraude vel dolo dicantur facti dudum cardinales aliqui, declarat sacrum concilium pro non cardinalibus haberi, qui non erant cardinales publice reputati et tenti tempore recessus eiusdem domini nostri papae a civitate Constan-^{io} tiensi.

SESSIO V

6 apr. 1415

[Decreta concilii de auctoritate atque integritate eius in superiori sessione per cardinalem Zabarellam invitis nationibus decurtata, nunc publico decreto restituta, repetita ac confirmata]

In nomine sanctae et individuae Trinitatis, Patris et Filii et Spiritus ¹⁵ sancti. Amen. Haec sancta synodus Constantiensis generale concilium faciens, pro extirpatione praesentis schismatis, et unione ac reformatione ecclesiae Dei in capite et in membris fiendae, ad laudem omnipotentis Dei in Spiritu sancto legitime congregata, ad consequendum facilius, securius, uberius et liberior unionem ac reformationem ecclesiae Dei ordinat, diffinit, statuit^{*1}, decernit, et declarat, ut sequitur.

Et primo declarat, quod ipsa in Spiritu sancto legitime congregata, generale concilium faciens, et ecclesiam catholicam militantem⁰ repraesentans, potestatem a Christo immediate habet, cui quilibet cuiuscumque status vel dignitatis, etiam si papalis existat, obedire tenetur in his quae ²⁵ pertinent ad fidem et extirpationem dicti schismatis, ac generalem⁰ reformationem dictae ecclesiae Dei⁰ in capite et in membris.

Item, declarat, quod quicumque cuiuscumque conditionis, status, dignitatis, etiam si papalis existat⁰, qui mandatis, statutis seu ordinationibus, aut praeceptis huius sacrae synodi et cuiuscumque alterius concilii ³⁰ generalis legitime congregati, super praemissis, seu ad ea pertinentibus, factis, vel faciendis, obedire contumaciter contempserit, nisi resipuerit, condignae poenitentiae subiiciatur, et debite puniatur, etiam ad alia iuris subsidia, si opus fuerit, recurrendo.

Item, diffinit et ordinat dicta sancta synodus, quod dominus Ioannes ³⁵ papa XXIII Romanam curiam, et officia publica, illius seu illorum officarios de hac civitate Constantiensi ad alium locum non mutet, aut transferat, seu personas dictorum officiariorum ad sequendum eum directe vel indirecte cogat, sine deliberatione et consensu ipsius sanctae syn
Et si contrarium fecisset, aut faceret in futurum, aut aliquos processus, ⁴⁰

» *Haec in Aid, sed re vera propotita tunt, non definita (tj. Hardt, IV 90)*

b ipsius *Aid* c *om. Aid*

made or done, against the will of the persons concerned, are in virtue of the law itself null, quashed, invalid and void, and of no effect or moment, and the council by its authority quashes, invalidates and annuls them.

[Next, it was declared and decided that three persons should be chosen from each nation who know both the reasons of those wishing to depart and the punishments that ought to be inflicted on those departing without permission.]^a

Next, that for the sake of unity new cardinals should not be created. Moreover, lest for reasons of deceit or fraud some persons may be said to have been made cardinals recently, this sacred council declares that those persons are not to be regarded as cardinals who were not publicly recognised and held to be such at the time of our lord pope's departure from the city of Constance.

SESSION 5

6 April 1415

[Decrees of the council, concerning its authority and integrity, which had been abbreviated by cardinal Zabarella at the preceding session, against the wishes of the nations, and which are now restored, repeated and confirmed by a public decree]

In the name of the holy and undivided Trinity, Father and Son and holy Spirit. Amen. This holy synod of Constance, which is a general council, for the eradication of the present schism and for bringing unity and reform to God's church in head and members, legitimately assembled in the holy Spirit to the praise of almighty God, ordains, defines, decrees, discerns and declares as follows, in order that this union and reform of God's church may be obtained the more easily, securely, fruitfully and freely.

First it declares that, legitimately assembled in the holy Spirit, constituting a general council and representing the catholic church militant, it has power immediately from Christ; and that everyone of whatever state or dignity, even papal, is bound to obey it in those matters which pertain to the faith, the eradication of the said schism and the general reform of the said church of God in head and members.

Next, it declares that anyone of whatever condition, state or dignity, even papal, who contumaciously refuses to obey the past or future mandates, statutes, ordinances or precepts of this sacred council or of any other legitimately assembled general council, regarding the aforesaid things or matters pertaining to them, shall be subjected to well-deserved penance, unless he repents, and shall be duly punished, even by having recourse, if necessary, to other supports of the law.

Next, the said holy synod defines and ordains that the lord pope John XXIII may not move or transfer the Roman curia and its public offices, or its or their officials, from the city of Constance to another place, nor directly or indirectly compel the said officials to follow him, without the deliberation and consent of the same holy synod. If he has acted to the contrary in the past, or shall in the future, or if he has in the past, is now or shall in the future fulminate any

¹ This paragraph is in *Asd*, but in fact the matter was only proposed, not decided upon (see *Hardt*, IV 90).

seu mandata contra dictos officarios, aut alios quoscumque huic sacro concilio adhaerentes, etiam censuras ecclesiasticas, vel alias poenas quascumque continentes ut ipsum sequantur, fulminasset, fulminaret, seu fulminaverit, totum sit irritum et inane, nec eisdem processibus, 5 censuris et poenis, tamquam irritis et inanibus, quomodolibet obediendum fore. Quin immo dicti officarii in dicta civitate Constantiensi suis officiis utantur, et illa exerceant libere ut prius, quamdiu ipsa sancta synodus in eadem civitate celebrabitur.

Item, ordinat et diffinit, quod omnes et singulae translationes praelato-
 10 rum, nec non privationes eorundem, aut aliorum beneficiariorum, officialium, administratorum, quarumcumque commendatum ac donationum revocationes, monitiones, censurae ecclesiasticae, processus, sententiae, et quaecumque acta, gesta, gerenda, agenda aut fienda per praefatum dominum loannem papam, aut suos officarios vel commissarios, in
 15 laesionem dicti concilii, seu adhaerentium eidem, a tempore inchoationis eiusdem concilii, et contra adhaerentes huic sacro concilio, vel existentes in eodem, aut in ipsorum seu alicuius eorundem praeiudicium, quomodolibet ipsis invitis facta seu facienda, factae aut facti, faciendae vel faciendi, auctoritate huius sacri concilii ipso facto sint nulla, cassa, irrita et inania, cassae, irritae et inanes, ac nullius roboris vel momenti, et eadem auctoritate cassat, irritat et annullat.

Item, declarat, quod dominus loannes papa XXIII et omnes praelati, et alii ad hoc sacrum* concilium vocati, et alii in eodem concilio existentes, in plenaria libertate fuerunt et existunt, ut visum est dicto sacro concilio, nec ad notitiam dictorum vocatorum, seu dicti concilii contrarium deductum est, et hoc testificatur dictum sacrum concilium coram Deo et hominibus¹.

SESSIO VI

17 apr. 1415

[In hac sessione inter alias minores deliberationes decretum est de procuratorio super renunciatione papatus per papam loannem XXIII dando, 30 et Hieronymo Pragensi citando.]

SESSIO VII

2 maii 1415

[In hac sessione decretum est loannem papam esse publice citandum, et Hieronymi Pragensis citationem esse repetendam, contumacia eius accusata.]

a generale *Asd*

¹ Cf. Lc 24,19; 2 Cor 8,21. In hac sessione etiam approbata sunt: *Propositio, de rebus Hussi et Viciefi in proxima sessione tractandis; decretum, de epistolis ad reges et principes nomine concilii, de fuga papae et integritate concilii serrata, scribendis; decretum, papam loannem per Caesarem Constantiam ad consilium esse reducendum.*

processes or mandates or ecclesiastical censures or any other penalties, against the said officials or any other adherents of this sacred council, to the effect that they should follow him, then all is null and void and in no way are the said processes, censures and penalties to be obeyed, inasmuch as they are null and void. The said officials are rather to exercise their offices in the said city of Constance, and to carry them out freely as before, as long as this holy synod is being held in the said city.

Next, that all translations of prelates, or depositions of the same, or of any other beneficed persons, officials and administrators, revocations of commendams and gifts, admonitions, ecclesiastical censures, processes, sentences and whatever has been or will be done or accomplished by the aforesaid lord pope John or his officials or commissaries, since the beginning of this council, to the injury of the said council or its adherents, against the supporters or participants of this sacred council, or to the prejudice of them or of any one of them, in whatever way they may have been or shall be made or done, against the will of the persons concerned, are by this very fact, on the authority of this sacred council, null, quashed, invalid and void, and of no effect or moment, and the council by its authority quashes, invalidates and annuls them.

Next, it declares that the lord pope John XXIII and all the prelates and other persons summoned to this sacred council, and other participants in the same synod, have enjoyed and do now enjoy full freedom, as has been apparent in the said sacred council, and the opposite has not been brought to the notice of the said summoned persons or of the said council. The said sacred council testifies to this before God and people¹.

SESSION 6

17 April 1415

[At this session there were, among other minor deliberations, decrees about admitting the office of proctor in the matter of pope John XXIII's renunciation of the papacy and about the citing of Jerome of Prague.]

SESSION 7

2 May 1415

[At this session it was decreed that pope John should be publicly summoned and that the summons of Jerome of Prague, now charged with contumacy, should be repeated.]

¹ See Lk 24, 19; 2 Cor 8, 21. The following were also approved at this session: *a proposition concerning matters about Hus and Wyclif to be treated at the next session; a decree about writing letters to kings and princes in the name of the council, about the pope's flight and about the continuing integrity of the council; a decree to the effect that pope John should be brought back by the emperor to the council of Constance.*

SESSIO VIII

4 maii 1415

Sacrosancta Constantiensis synodus, generale concilium faciens, et ecclesiam catholicam repraesentans, ad extirpationem praesentis schismatis, errorumque et haeresium sub eius umbra pullulandum eliminationem, et reformationem ecclesiae, in Spiritu sancto legitime congregata, ad perpetuam rei memoriam.

s

[Sententia condemnatory articulorum Ioannis Wicleff]

Fidem catholicam, *sine qua* (ut ait Apostolus) *impassibile esi placere Deox*, a falsis eiusdem fidei cultoribus, immo perversis impugnatoribus, et superba curiositate intendentibus *plus sapere quam oportet*², mundi gloriam cupientibus³, oppugnatam saepius, et contra illos per fideles ecclesiae milites io spirituales opposito scuto fidei* defensatam fuisse, sanctorum patrum scripturis atque gesris instruimur. Haec quippe bellorum genera in bellis carnalibus Israelidci populi adversus gentes idololatrias praesignata fuerunt. In his itaque spiritualibus bellis sancta ecclesia catholica in fidei veritate superni luminis radiis illustrata, Domino providente, et sanctorum patro- is cinio opem ferente, semper immaculata permanens, erroris tenebris velut hostibus profligatis, gloriosissime triumphavit. Nostris vero temporibus vetus ille et invidus hostis nova certamina, *ut probati* temporis huius *manifesti fiant**, suscitavit; quorum dux et princeps exstitit quondam Ioannes Wicleff pseudochristianus: qui dum viveret, adversus religionem 20 chrisrianam et fidem catholicam pertinaciter asseruit et dogmatizavit plures articulos, quorum quadragintaquinque huic paginae duximus inserendos, qui sequuntur.

1. Substantia panis materialis, et similiter substantia vini materialis, manent in sacramento altaris.

2. Accidentia panis non manent sine subiecto in eodem sacramento.

3. Christus non est in eodem sacramento identice et realiter in propria persona* corporali.

4. Si episcopus vel sacerdos est in peccato mortali, non ordinat, non conficit, non consecrat, nec baptizat.

30

5. Non est fondatum in evangelio, quod Christus missam ordinavit.

6. Deus debet obedire diabolo.

7. Si homo debite fuerit contritus, omnis confessio exterior est sibi superflua et inutilis.

8. Si papa sit praescitus et malus, et per consequens membrum diaboli, 35 non habet potestatem super fideles ab aliquo sibi datam, nisi forte a Caesare.

a praesentia *Asd et normdii codd.* (cf. *Hardt, IV* 153)

» Hcb11,6. ² Rm12,3. » Cf. Io 12, 43. 4 Cf. Eph 6,16. » 1 Cor 11,19.

SESSION 8

4 May 1415

This most holy synod of Constance, which is a general council and represents the catholic church and is legitimately assembled in the holy Spirit, for the eradication of the present schism and the elimination of the errors and heresies which are sprouting beneath its shade and for the reform of the church, makes this perpetual record of its acts.

[Sentence condemning various articles of John Wyclif]

We learn from the writings and deeds of the holy fathers that the catholic faith, *without which* (as the Apostle says) *it is impossible to please God*¹, has often been attacked by false followers of the same faith, or rather by perverse assailants, and by those who, desirous of the world's glory³, are led on by proud curiosity *to know more than they should*²; and that it has been defended against such persons by the church's faithful spiritual knights armed with the shield of faith⁴. Indeed these kinds of wars were prefigured in the physical wars of the Israelite people against idolatrous nations. Therefore in these spiritual wars the holy catholic church, illuminated in the truth of faith by the rays of light from above and remaining ever spotless through the Lord's providence and with the help of the patronage of the saints, has triumphed most gloriously over the darkness of error as over profligate enemies. In our times, however, that old and jealous foe has stirred up new conflicts *so that the approved ones* of this age *may be made manifest*⁵. Their leader and prince was that pseudo-christian John Wyclif. He stubbornly asserted and taught many articles against the Christian religion and the catholic faith while he was alive. We have decided that forty-five of the articles should be set out on this page as follows.

1. The material substance of bread, and similarly the material substance of wine, remain in the sacrament of the altar.
2. The accidents of bread do not remain without their subject in the said sacrament.
3. Christ is not identically and really present in the said sacrament in his own bodily person¹.
4. If a bishop or a priest is in mortal sin, he does not ordain or confect or consecrate or baptise.
5. That Christ instituted the mass has no basis in the gospel.
6. God ought to obey the devil.
7. If a person is duly contrite, all exterior confession is superfluous and useless for him.
8. If a pope is foreknown as damned and is evil, and is therefore a limb of the devil, he does not have authority over the faithful given to him by anyone, except perhaps by the emperor.

¹ presence in *Asd* and some sources (see *Hardt*, IV 153)

¹ Heb 11, 6. ² Rm 12, 3. ³ See Jn 12, 43. ⁴ See Eph 6, 16. ⁵ 1 Cor 11, 19.

9. Post Urbanum VI non est aliquis recipiendus in papam, sed vivendum est more Graecorum sub legibus propriis.

10. Contra scripturam sacram est, quod viri ecclesiastici habeant possessiones.

s 11. Nullus praelatus debet aliquem excommunicare, nisi prius sciat, eum esse excommunicatum a Deo: et qui sic excommunicat, fita haereticus ex hoc, vel excommunicatus.

12. Praelatus excommunicans clericum, qui appellavit ad regem vel ad concilium regni, eo ipso traditor est regis et regni.

io 13. Illi qui dimittunt praedicare, sive verbum Dei audire propter excommunicationem hominum, sunt excommunicati, et in die iudicii traditores Christi habebuntur.

14. Licet alicui diacono vel presbytero praedicare verbum Dei, absque auctoritate sedis apostolicae vel episcopi catholici.

15 15. Nullus est dominus civilis, nullus est praelatus, nullus est episcopus, dum est in peccato mortali.

16. Domini temporales possunt ad arbitrium suum auferre bona temporalia ab ecclesia possessionalis habitualiter delinquentibus, id est ex habitu, non solo actu, delinquentibus.

10 17. Populares possunt ad suum arbitrium dominos delinquentes corrigere.

18. Decimae sunt purae eleemosynae, et parochiani possunt propter peccata suorum praelatorum ad libitum suum eas auferre.

19. Speciales orationes applicatae uni personae per praelatos, vel religiosos, non plus prosunt eidem quam generales, caeteris paribus.

20. Conferens eleemosynam fratribus, est excommunicatus eo facto.

21. Si quis ingreditur religionem privatam qualemcumque, tam possessionatorum, quam mendicantium, redditur ineptior et inhabilior ad observantiam mandatorum Dei.

22. Sancti instituentes religiones privatas, sic instituendo peccaverunt.

23. Religiosi viventes in religionibus privatis, non sunt de religione Christiana.

24. Fratres tenentur per labores manuum victum acquirere, et non per mendicitatem.

« 25. Omnes sunt simoniaci, qui se obligant orare pro aliis, eis in temporalibus subvenientibus.

26. Oratio praesciti nulli valet.

27. Omnia de necessitate absoluta eveniunt.

*0 28. Confirmatio iuvenum, clericorum ordinatio, locorum consecratio, reservantur papae et episcopis propter cupiditatem lucri temporalis et honoris.

29. Universitates, studia, collegia, graduationes, et magisteria in eis-

a est *Asd*

b *Quod ad hoc articulum attinti rationes condemnationis, quae adducuntur, in actis insertae sunt:* Prima
45 pars est scandalosa et praesumptuose asserta, pro quanto sic generaliter et indistincte loquitur: et secunda erronea, pro quanto asserit mendicitatem fratribus non licere.

9. Nobody should be considered as pope after Urban VI. Rather, people should live like the Greeks, under their own laws.

10. It is against sacred scripture for ecclesiastics to have possessions.

11. No prelate should excommunicate anyone unless he first knows that the person has been excommunicated by God; he who does so thereby becomes a heretic and an excommunicated person.

12. A prelate excommunicating a cleric who has appealed to the king or the king's council is thereby a traitor to the king and the kingdom.

13. Those who stop preaching or hearing the word of God on account of an excommunication issued by men are themselves excommunicated and will be regarded as traitors of Christ on the day of judgment.

14. It is lawful for any deacon or priest to preach the word of God without authorisation from the apostolic see or from a catholic bishop.

15. Nobody is a civil lord or a prelate or a bishop while he is in mortal sin.

16. Secular lords can confiscate temporal goods from the church at their discretion when those who possess them are sinning habitually, that is to say sinning from habit and not just in particular acts.

17. The people can correct sinful lords at their discretion.

18. Tithes are purely alms, and parishioners can withhold them at will on account of their prelates' sins.

19. Special prayers applied by prelates or religious to a particular person avail him or her no more than general prayers, if other things are equal.

20. Whoever gives alms to friars is thereby excommunicated.

21. Whoever enters any religious order whatsoever, whether it be of the possessioners or the mendicants, makes himself less apt and suitable for the observance of God's commands.

22. Saints who have founded religious orders have sinned in so doing.

23. Members of religious orders are not members of the Christian religion.

24. Friars are bound to obtain their food by manual work and not by begging⁸.

25. All are simoniacs who bind themselves to pray for people who help them in temporal matters.

26. The prayer of someone foreknown as damned profits nobody.

27. All things happen from absolute necessity.

28. Confirming the young, ordaining clerics and consecrating places have been reserved to the pope and bishops because of their greed for temporal gain and honour.

29. Universities, places of study, colleges, degrees and academic exercises in

b Regarding this article, the reasons for the condemnation are included in the acts as follows: The first part is scandalous and presumptuous inasmuch as it speaks in general terms and without distinctions; the second part is erroneous inasmuch as it asserts that begging is not permitted to friars.

dem, sunt vana gentilitate introducta, et tantum prosunt ecclesiae sicut diabolus.

30. Excommunicatio papae vel cuiuscumque praelati non est timenda, quia est censura antichristi.

31. Peccant fundantes claustra, et ingredientibus sunt viri diabolici. &

32. Ditare clerum, est contra Christi mandatum⁴.

33. Silvester papa et Constantinus imperator erraverunt ecclesiam dotando.

34. Omnes de ordine mendicantium sunt haeretici, et dantes eis eleemosynam sunt excommunicari. io

35. Ingredientibus religionem aut aliquem ordinem, eo ipso inhabiles sunt ad observandum divina praecepta, et per consequens perveniendibus ad regna caelorum, nisi apostataverint ab eisdem.

36. Papa cum omnibus clericis suis possessionem habentibus sunt haeretici, eo quod possessionem habent, et omnes consentientes eis, 15 omnes scilicet domini saeculares, et caeteri laici.

37. Ecclesia Romana est synagoga satanae nec papa est immediatus et proximus vicarius Christi et apostolorum.

38. Decretales epistolae sunt apocryphae, et seducunt a Christi fide: et clerici sunt stulti qui student eas. 20

39. Imperator et domini saeculares seducti sunt a diabolo, ut ecclesiam dotarent de bonis temporalibus.

40. Electio papae a cardinalibus per diabolum est introducta.

41. Non est de necessitate salutis credere Romanam ecclesiam esse supremam inter alias ecclesias⁰. »

42. Fatuum est credere indulgentiis papae et episcoporum.

43. Iuramenta illicita sunt, quae fiunt ad roborandum humanos contractus et commercia civilia.

44. Augustinus, Benedictus, Bernardus damnati sunt, nisi poenituerint de hoc, quod habuerunt possessiones, et instituerunt, et intraverunt 30 religiones: et sic a papa usque ad infimum religiosum omnes sunt haeretici.

45. Omnes religiones indifferenter introductae sunt a diabolo.

[Libri Wiclefi damnati]

Idemque Ioannes Wideff libros, *Dialogum* et *Trialogum* per ipsum nominatos, et plures alios tractatus, volumina et opuscula composuit, in quibus praescriptos et plures alios damnabiles inseruit et dogmatizavit articulos. Quos libros ad sui perversi dogmatis publicationem publice legendos exposuit, ex quibus insuper multa scandala, damna, animarumque pericula in diversis regionibus, praesertim Angliae et Bohemiae regnis, secuta sunt. Adversus quos articulos atque libros in Dei

» regulam *Asii* b ad perveniendum *A.s.d*

c *Quod ad hoc articulum attinet rationes condemnationis, quae adducuntur, in acie insertae sunt:* Error est, si per Romanam ecclesiam intelligatur universalem ecclesiam, aut concilium generale, aut pro quanto negaret primatum summi pontificis super alias ecclesias particulares. <5

these institutions were introduced by a vain pagan spirit and benefit the church as little as does the devil.

30. Excommunication by a pope or any prelate is not to be feared since it is a censure of antichrist.

31. Those who found religious houses sin, and those who enter them belong to the devil.

32. It is against Christ's command to enrich the clergy.

33. Pope Silvester and the emperor Constantine erred in endowing the church.

34. All the members of mendicant orders are heretics, and those who give them alms are excommunicated.

35. Those who enter a religious or other order thereby become incapable of observing God's commands, and consequently of reaching the kingdom of heaven, unless they leave them.

36. The pope with all his clerics who have property are heretics, for the very reason that they have property; and so are all who abet them, namely all secular lords and other laity.

37. The Roman church is Satan's synagogue; and the pope is not the immediate and proximate vicar of Christ and the apostles.

38. The decretal letters are apocryphal and seduce people from Christ's faith, and clerics who study them are fools.

39. The emperor and secular lords were seduced by the devil to endow the church with temporal goods.

40. The election of a pope by the cardinals was introduced by the devil.

41. It is not necessary for salvation to believe that the Roman church is supreme among the other churches.

42. It is ridiculous to believe in the indulgences of popes and bishops.

43. Oaths taken to confirm civil commerce and contracts between people are unlawful.

44. Augustine, Benedict and Bernard are damned, unless they repented of having owned property and of having founded and entered religious orders; and thus they are all heretics from the pope down to the lowest religious.

45. All religious orders alike were introduced by the devil.

[Condemnation of Wyclif's books]

This same John Wyclif wrote books called by him *Dialogus* and *Trialogus* and many other treatises, works and pamphlets in which he included and taught the above and many other damnable articles. He issued the books for public reading, in order to publish his perverse doctrine, and from them have followed many scandals, losses and dangers to souls in various regions, especially in the kingdoms of England and Bohemia. Masters and doctors of the universities and

c Regarding this article, the acts include the following reasons for the condemnation: It is an error if one understands by the Roman church the universal church or a general council, or inasmuch as it would deny the primacy of the supreme pontiff over the other individual churches.

virtutel exsurgentes magistri et doctores universitatum et studiorum Oxoniensis et Pragensis articulos praedictos scholastice diu post repro- baverunt. Reverendissimi insuper patres archiepiscopi et episcopi, pro tempore Cantuariensis et Eboracensis, sedis apostolicae legati in Angliae, 5 et Pragensis in Bohemiae regnis, condemnarunt. Libros etiam eiusdem loannis Wideff comburendos fore, dictus archiepiscopus Pragensis sedis apostolicae commissarius, in hac parte, sententialiter iudicavit, et eorum qui superessent, prohibuit lectionem.

Rursus his ad notitiam sedis apostolicae et generalis concilii deductis, 10 Romanus pontifex in concilio Romano, ultimo-celebrato¹, dictos libros, tractatus et opuscula condemnavit, iubens illos publice concremari, districtius inhibendo, ne quis Christi nomine insignitus auderet aliquem vel aliquos, seu aliqua ex dictis libellis, voluminibus et tractatibus, ac opus- culis legere, exponere vel tenere, aut illis quomodolibet uti, vel illos, nisi 15 in ipsorum reprobationem, allegare publice vel occulte. Et ut de medio ecclesiae illa periculosa spurcissimaque doctrina eliminaretur, iussit, om- nes, per locorum ordinarios, libros, tractatus, volumina et opuscula huius- modi, auctoritate apostolica per censuram ecclesiasticam, etiam, si opus esset, cum adiectione, quod contra non parentes procederetur tanquam 20 contra fautores haeresis, diligenter inquire, et repertos ac reperta ignibus publice concremari.

Haec autem sancta synodus praefatos articulos quadragintaquinque examinari fecit, et saepius recenseri per plures reverendissimos patres, ecclesiae Romanae cardinales, episcopos, abbates, magistros in theo- 25 logia, doctores iuris utriusque, et plures notabiles in multitudine co- piosa. Quibus articulis examinatis, fuit repertum, prout in veritate est, aliquos et plures ex ipsis fuisse et esse notorios haereticos et a sanctis patribus dudum reprobatos, alios non catholicos, sed erroneos, alios scandalosos et blasphemos, quosdam piarum aurium offensivos, nonnullos 30 eorum temerarios et seditiosos. Compertum est etiam, libros eius plures alios articulos continere similium qualitatium, doctrinamque in Dei ecclesia vesanamb et fidei ac moribus inimicam inducere. Propterea in nomine domini nostri Iesu Christi haec sancta synodus sententias prae- dictorum archiepiscoporum ac concilii Romani ratificans et approbans, 35 praedictos articulos et eorum quemlibet, libros eiusdem *Dialogum* et *Trialogum* per eundem Iohannem Wicleff nominatos, et alios eiusdem auctoris libros, volumina, tractatus et opuscula, quocumque nomine censeantur, quos hic haberi vult pro sufficienter expressis, hoc perpetuo decreto reprobat et condemnat, eorundem librorum et cuiuslibet ipsorum 40 lectionem, doctrinam, expositionem et allegationem, nisi ad eorum reprobationem, omnibus Christi fidelibus prohibendo: inhibens omnibus et singulis catholicis sub anathematis interminatione, ne de cetero dictos articulos, aut ipsorum aliquem audeat publice praedicare, dogmatizare a veritate *Aid* b insanam *Aid*

> Anno 1412 (Msi 27, 505-508).

houses of study at Oxford and Prague, opposing with God's strength these articles and books, later refuted the above articles in scholastic form. They were condemned, moreover, by the most reverend fathers who were then the archbishops and bishops of Canterbury, York and Prague, legates of the apostolic see in the kingdoms of England and of Bohemia. The said archbishop of Prague, commissary of the apostolic see in this matter, also judicially decreed that the books of the same John Wyclif were to be burnt and he forbade the reading of those that survived.

After these things had again been brought to the notice of the apostolic see and a general council, the Roman pontiff condemned the said books, treatises and pamphlets at the lately held council of Rome¹, ordering them to be publicly burnt and strictly forbidding anyone called a Christian to dare to read, expound, hold or make any use of any one or more of the said books, volumes, treatises and pamphlets, or even to cite them publicly or privately, except in order to refute them. In order that this dangerous and most foul doctrine might be eliminated from the church's midst, he ordered, by his apostolic authority and under pain of ecclesiastical censure, that all such books, treatises, volumes and pamphlets should be diligently sought out by the local ordinaries and should then be publicly burnt; and he added that if necessary those who do not obey should be proceeded against as if they were promoters of heresy.

This sacred synod has had the aforesaid forty-five articles examined and frequently considered by many most reverend fathers, cardinals of the Roman church, bishops, abbots, masters of theology, doctors in both laws and many notable persons. After the articles had been examined it was found, as indeed is the case, that some of them, indeed many, were and are notoriously heretical and have already been condemned by holy fathers, others are not catholic but erroneous, others scandalous and blasphemous, some offensive to the ears of the devout and some rash and seditious. It was also found that his books contain many other similar articles and introduce into God's church teaching that is unsound and hostile to faith and morals. This holy synod, therefore, in the name of our lord Jesus Christ, in ratifying and approving the sentences of the aforesaid archbishops and of the council of Rome, repudiates and condemns for ever, by this decree, the aforesaid articles and each one of them in particular, and the books of John Wyclif called by him *Dialogus* and *Tnalogus*, and the same author's other books, volumes, treatises and pamphlets (no matter what name these may go under, and for which purpose this description is to be regarded as an adequate listing of them). It forbids the reading, teaching, expounding and citing of the said books or of any one of them in particular, unless it is for the purpose of refuting them. It forbids each and every Catholic henceforth, under pain of anathema, to preach, teach or affirm in public the said articles or any one

¹ In 1412 (Msi 27, 505-508).

vel tenere, sive libros ipsos docere, approbare et tenere, vel quomodolibet, nisi ad eorum reprobationem, ut dictum est, allegare: iubens illos libros et tractatus, volumina et opuscula praelibata publice concremari, prout decretum fuerat in synodo Romana, sicut superius est expressum. Super quibus et exsequendis et debite conservandis mandat praedicta sancta 5 synodus ordinariis locorum vigilanter intendere, prout ad quemlibet pertinet, secundum iura et canonicas sanctiones.

[Alii articuli CCLX in Wiclefo damnati]³

Quia vero libris praedictis, diligenter examinatis per doctores et magistros universitatis studii Oxoniensis, ultra dictos quadragintaquinque articulos, 10 ducentos sexaginta extra pendentes collegerunt, quorum aliqui cum supra dictis in sententia coincidunt, licet non in eadem forma verborum et sicut de aliis superius dictum est, quidam ipsorum erant et sunt haeretici, quidam seditiosi, quidam erronei, alii temerarii, nonnulli scandalosi, alii insani, nec non omnes pene contra bonos mores et catholicam veritatem; 15 fuerunt propterea per dictam universitatem scholastice et debite reprobati. Haec igitur synodus sacrosancta cum deliberatione qua supra, praedictos articulos et eorum quemlibet reprobat et condemnat, inhibens, mandans et decernens, prout de aliis XLV superius^b est^b expressum⁸. Eorundem ducentorum sexaginta articulorum tenores duximus inferius inserendos.¹ 20

[Concilium pronunciat haereticum Ioannem Wicleff, et condemnat memoriam eiusdem, et mandat exhumari ossa ipsius]

Insuper, quia auctoritate sive decreto⁰ Romani concilii, mandatoque ecclesiae et sedis apostolicae, datis dilationibus debitis, processum fuit super condemnatione dicti Wicleff et suae memoriae, edictis propositis 25 denunciationibusque ad vocandum eos qui eundem sive eius memoriam defendere vellent, si qui penitus exsisterent, nullus vero comparuit, qui eundem vel suam memoriam defensaret. Examinatis insuper testibus super impenitentia finali, pertinaciaque dicti Wicleff per commissarios, deputatos per dominum Ioannem papam modernum, et hoc sacrum^d 30 concilium, servatisque servandis, prout in tali negotio postulat ordo iuris, de eius impenitentia ac finali pertinacia, per evidentia signa testibus legitimis comprobata, fuit legitime facta fides. Propterea instante procuratore fiscali, edicto proposita ad audiendam sententiam ad hunc diem, haec sancta synodus declarat, definit et sententiat eundem Ioannem 35

• *Deliberatio haec dicitur in Asd*

b om. Msi *c auctoritate sententiae et decreti Asd* *d om. Asd*

¹ Hi articuli CCLX ab universitate studiorum Oxoniensi anno 1411 damnati (cf. J. A. Robson, *and the Oxford Schools*, Cambridge 1961, 244-246) in omnibus codicibus actorum concilii haud reperti sunt: enim vero de eisdem natio Gallicana asseruit se nihil scire, propter quod deliberatio haec in XV sessione resumpta est (cf. Hardt 4, 156 et 191; Finke II 34, 40 et 362. H-L affirmat per errorem [7,226] decretum hoc in IX sessione statutum esse. Vide infra sess. XV pp. 421-426).

of them in particular, or to teach, approve or hold the said books, or to refer to them in any way, unless this is done, as has been said, for the purpose of refuting them. It orders, moreover, that the aforesaid books, treatises, volumes and pamphlets are to be burnt in public, in accordance with the decree of the synod of Rome, as stated above. This holy synod orders local ordinaries to attend with vigilance to the execution and due observance of these things, insofar as each one is responsible, in accordance with the law and canonical sanctions.

[Condemnation of 260 other articles of Wyclif].*

When the doctors and masters of the university of Oxford examined the aforesaid written works, they found 260 articles in addition to the 45 articles that have been mentioned. Some of them coincide in meaning with the 45 articles, even if not in the forms of words used. Some of them, as has been said, were and are heretical, some seditious, some erroneous, others rash, some scandalous, others unsound, and almost all of them contrary to good morals and the catholic truth. They were therefore condemned by the said university in correct and scholastic form. This most holy synod, therefore, after deliberating as mentioned above, repudiates and condemns the said articles and each one of them in particular; and it forbids, commands and decrees in the same way as for the other 45 articles. We order the contents of these 260 articles to be included below¹

[The council pronounces John Wyclif a heretic, condemns his memory and orders his bones to be exhumed]

Furthermore, a process was begun, on the authority or by decree of the Roman council, and at the command of the church and of the apostolic see, after a due interval of time, for the condemnation of the said Wyclif and his memory. Invitations and proclamations were issued summoning those who wished to defend him and his memory, if any still existed. However, nobody appeared who was willing to defend him or his memory. Witnesses were examined by commissaries appointed by the reigning lord pope John and by this sacred council, regarding the said Wyclif's final impenitence and obstinacy. Legal proof was thus provided, in accordance with all due observances, as the order of law demands in a matter of this kind, regarding his impenitence and final obstinacy. This was proved by clear indications from legitimate witnesses. This holy synod, therefore, at the instance of the procurator-fiscal and since a decree was issued to the effect that sentence should be heard on this day, declares, defines and decrees that the said John Wyclif was a notorious and obstinate

¹ *This condemnation is not in Asd.*

¹ These 260 articles condemned by the university of Oxford in 1411 (see J. A. Robson, *Wyclif and the Oxford Schools*⁴ Cambridge 1961, 244-246) are not to be found in any versions of the council's acts. Indeed, the French nation said that it knew nothing about them, and for this reason the same topic was taken up again in the 15th session (see Hardt 4, 156 and 191 ; Finke II 34, 40 and 362. H-L wrongly affirms [7, 226] that this decree was passed in the 9th session. See the 15th session below, pp. 421-426).

Wicleff fuisse notorium haereticum, pertinacem, ac in haeresi decessisse, anathematizando ipsum pariter, et suam memoriam condemnando. Decernitque et ordinat, corpus et eius ossa, si ab aliis fidelium corporibus discerni possint, exhumari, et procul ab ecclesiastica sepultura iactari,
 § secundum onicas et legitimas sanctiones.

SESSIO IX

13 maii 1415

[Ioannes papa secunda vice publice citatus est et inquisitio contra illum decreta.]

SESSIO X

14 maii 1415

[Tertia vice citatus Ioannes XXIII, contumacia eius accusata, a papatu suspensus est.]

SESSIO XI

25 maii 1415

¹⁰ [Accusatus est publice Ioannes papa XXIII, articulis quadragintaquatuor contra illum productis.]

SESSIO XII

29 maii 1415

[Decretum, quod non procedatur ad electionem papae, si contingat sedem vacare, sine expresso consensu concilii]

Sacrosancta generalis Constantiensis syn ecclesiam catholicam re-
¹⁵ praesentans, ad extirpationem praesentis schismatis et errorum, ecclesiaeque reformationem in capite et in membris faciendam, in Spiritu sancto legitime congregata, ad facilius, celerius¹, liberius et utilius unionem ecclesiae consequendam, pronuntiat, decernit, statuit et ordinat, quod si contingat sedem apostolicam quovis modo vacare, in prima illius vaca-
²⁰ tione ad electionem futuri summi pontificis nullo modo procedatur sine deliberatione et consensu huius sacri generalis concilii. Et si contrarium fieret, illud sit ipso facto auctoritate dicti sacri concilii irritum et inane. Nullusque electum contra hoc decretum in papam recipiat, nec illi, ut papae, quomodolibet adhaereat vel oboediat, sub poena fautoriae dicti
²⁵ schismatis et maledictionis aeternae: punianturqueb hoc casu eligentes et

» *om. Aid* b *Sic habet Asd probabiliter ncliur quam Hardt qui habet premantur*

¹ In Hardt decretum hoc sententiam de Ioanne pontifici amovendo atque deponendo sequitur; H-L contra (7, 248 n.) recte, ut titulus ipse decreti ostendit, hoc eam antecessisse adfirmat.

heretic who died in heresy, and it anathematizes him and condemns his memory. It decrees and orders that his body and bones are to be exhumed, if they can be identified among the corpses of the faithful, and to be scattered far from a burial place of the church, in accordance with canonical and lawful sanctions.

SESSION 9

13 May 1415

Pope John is publicly summoned for the second time and an inquiry against him is decreed.]

SESSION 10

14 May 1415

[John XXIII is summoned for the third time, he is accused of contumacy and is suspended from the papacy.]

SESSION 11

25 May 1415

[Pope John XXIII is publicly charged and forty-four articles against him are produced.]

SESSION 12

29 May 1415

[Decree stating that the process for electing a pope, if the see happens to be vacant, may not begin without the council's express consent¹]

This most holy general synod of Constance, representing the catholic church, legitimately assembled in the holy Spirit, for the eradication of the present schism and errors, for bringing about the reform of the church in head and members, and in order that the unity of the church may be obtained more easily, quickly and freely, pronounces, determines, decrees and ordains that if it happens that the apostolic see becomes vacant, by whatever means this may happen, then the process of electing the next supreme pontiff may not begin without the deliberation and consent of this sacred general council. If the contrary is done then it is by this very fact, by the authority of the said sacred council, null and void. Nobody may accept anyone elected to the papacy in defiance of this decree, nor in any way adhere to or obey him as pope, under pain of eternal damnation and of becoming a supporter of the said schism. Those who make the election in such a case, as well as the person elected, if he consents, and

¹ In Hardt this decrees follows the sentencing of pope John to be removed and deposed; H-L (7, 248 n.), on the other hand, correctly affirms that it preceded the sentence, as the heading of the decree shows.

electus si consentiat, ac illi adhaerentes poenis per hoc sacrum concilium ordinandis. Suspenditque dicta sancta synodus, pro bono unionis ecclesiae, omnia iura positiva, etiam in conciliis generalibus edita, et ipsorum statuta, ordinationes consuetudinesque et privilegia quibuscumque concessa, et poenas contra quoscumque editas, in quantum effectum dicti decreti 6 impedire possent quoquo modo.

[Sententia depositionis loannis papae XX] II

In nomine sanctae et individuae Trinitatis, Patris et Filii et Spiritus sancti. Arnen. Sacrosancta generalis Constantiensis synodus in Spiritu sancto legitime congregata, invocato Christi nomine, solum Deum prae oculis 10 habens, visis articulis in hac causa contra dominum loannem papam XXIII formatis et oblatis, ac probationibus eorundem factis, eiusdem submissione spontanea, una cum toto processu huius causae, habita matura deliberatione super eisdem, per hanc sententiam definitivam, quam profert in scriptisb, pronunciat, decernit et declarat, recessum per prae- 15 fatum dominum loannem papam XXIII ab hac civitate Constantiensi, et dicto sacro generali concilio, clandestine, de nocte, hora suspecta, in habitu dissimulato et indecenti factum, fuisse et esse illicitum, ecclesiae Dei et dicto concilio notorie scandalosum, pacis et unionis ipsius ecclesiae turbativum et impeditivum, schismatis inveterati nutritivum, a voto, 20 promissione et iuramento per ipsum dominum loannem papam Deo et ecclesiae et huic sacro concilio praestitis deviativum; ipsumque dominum loannem papam simoniacum notorium, bonorumque et iurium nedum Romanae, sed aliarum ecclesiarum et plurium aliorum locorum piorum dilapidatorem notorium, malumque spiritualium et temporalium eccle- 25 siae administratorem et dispensatorem fuisse et esse; suis detestabilibus, inhonestisque vita et moribus ecclesiam Dei et populum christianum notorie scandalizantem ante eius assumptionem ad papatum, et post usque ad ista tempora; ipsumque per praemissa ecclesiam Dei et populum christianum notorie scandalizasse et scandalizare; postque monitiones 30 debitas et charitativas, iteratis et crebris vicibus eidem factas, in praemissis malis pertinaciter perseverasse, seque ex hoc notorie incorrigibilem reddidisse; ipsumque propter praemissa et alia crimina in processu dictae causae contra eum deducta et contenta, tamquam indignum, inutilem et damnosum, a papatu et omni eius administratione spirituali et temporalis 35 amovendum, privandum et deponendum fore. Et eum dicta sancta synodus amovet, privat et deponit, universos et singulos christicolae, cuiuscumque sutus, digniutis vel conditionis existant, ab eius oboedientia, fideiute et iuramento absolutos declarando. Inhibendo insuper universis christifidelibus, ne eumdem a papatu, ut praemittitur, sic depositum, de 40 cetero in papam recipiant, seu eum papamc nominent, aut illi tamquam papae adhaereant, seu quoquo modo oboediant. Et nihilominus ex certa scientia et de plenitudine potestatis supplet deus sancu synodus omnes

* constitutiones *add. Aid* b quam fert in his scriptis *Aid*

c recipiant... papam *om. Aid*

those who adhere to him, are to be punished in the forms prescribed by this sacred council. The said holy synod, moreover, for the good of the church's unity, suspends all positive laws, even those promulgated in general councils, and their statutes, ordinances, customs and privileges, by whomsoever they may have been granted, and penalties promulgated against any persons, insofar as these may in any way impede the effect of this decree.

[Sentence deposing pope John XXIII]

In the name of the holy and undivided Trinity, Father and Son and holy Spirit, Amen. This most holy general synod of Constance, legitimately assembled in the holy Spirit, having invoked Christ's name and holding God alone before its eyes, having seen the articles drawn up and presented in this case against the lord popejohn XXIII, the proofs brought forward, his spontaneous submission and the whole process of the case, and having deliberated maturely on them, pronounces, decrees and declares by this definitive sentence which it commits to writing: that the departure of the aforesaid lord popejohn XXIII from this city of Constance and from this sacred general council, secretly and at a suspicious hour of the night, in disguised and indecent dress, was and is unlawful, notoriously scandalous to God's church and to this council, disturbing and damaging for the church's peace and unity, supportive of this long-standing schism, and at variance with the vow, promise and oath made by the said lord pope John to God, to the church and to this sacred council; that the said lord popejohn has been and is a notorious simoniac, a notorious destroyer of the goods and rights not only of the Roman church but also of other churches and of many pious places, and an evil administrator and dispenser of the church's spiritualities and temporalities; that he has notoriously scandalised God's church and the Christian people by his detestable and dishonest life and morals, both before his promotion to the papacy and afterwards until the present time; that by the above he has scandalised and is scandalising in a notorious fashion God's church and the Christian people; that after due and charitable warnings, frequently reiterated to him, he obstinately persevered in the aforesaid evils and thereby rendered himself notoriously incorrigible; and that on account of the above and other crimes drawn from and contained in the said process against him, he should be deprived of and deposed from, as an unworthy, useless and damnable person, the papacy and all its spiritual and temporal administration. The said holy synod does now remove, deprive and depose him. It declares each and every Christian, of whatever state, dignity or condition, to be absolved from obedience, fidelity and oaths to him. It forbids all Christians henceforth to recognise him as pope, now that as mentioned he has been deposed from the papacy, or to call him pope, or to adhere to or in any way to obey him as pope. The said holy synod, moreover, from certain knowledge and its fullness of power, supplies for all and singular defects that may have occurred in the

ct singulos defectus, si qui forsan in praemissis, vel aliquo praemissorum
intervenerint. Eumque ad standum et morandum in aliquo bono loco
et honesto, sub custodia tuta serenissimi principis domini Sigismundi
Romanorum et Hungariae, etc. regis, et universalis ecclesiae advocati et
s defensoris devotissimi, nomine dicti sacri concilii generalis, quamdiu dicto
sacro concilio generali pro bono unionis ecclesiae Dei videbitur, con-
demnandum fore, et eadem sententia condemnat. Alias vero poenas, quae
pro dictis criminibus et excessibus inferri deberent iuxta canonicas sanc-
tiones, dictum concilium arbitrio suo reservat declarandas et infligendas,
10 secundum quod rigor iustitiae vel misericordiae ratio suadebit.

[Decretum, quod nullus trium de papatu contendendum
reeligatur in papam]

Item decernit, statuit, et ordinat dicta sancta synodus pro bono unionis
ecclesiae Dei, quod nullo umquam tempore redigantur in papam dominus
is Balthasar de Cossa nuper Joannesl XXIII, nec Angelus de Corario,
Gregorius XII, nec Petrus de Luna Benedictus XIII, in suis oboedientiis
nuncupati8. Et si contrarium fieret, id sit ipso facto irritum et inane.
Nullusque cuiuscumque dignitatis vel praeminentiae, etiam si imperiali,
regali, cardinalatus, vel pontificali dignitate praefulgeat, eis vel eorum
m alteri contra hoc decretum ullo umquam tempore oboediat, seu adhaereat,
sub poena fautoriae dicti schismatis et maledictionis aeternae: ad quas
contra praesumptores, si qui in posterum fuerint, etiam cum invocatione
brachii saecularis, et alias rigide procedaturl.

SESSIO XIII

15 iun.1415

[Condemnatio communionis sub utraque, a Iacobo de Misa
nuper inter Bohemos resuscitata]

In nomine sanctae et individuae Trinitatis, Patris et Filii et Spiritus
sancti. Amen. Cum in nonnullis mundi partibus quidam temerarie asse-
rere praesumant, populum christianum debere sacrum eucharistiae
sacramentum sub utraque panis et vini specie suscipere, et non solum
sub specie panis, sed etiam sub specie vini populum laicum passim com-
municent, etiam post coenam, vel alias non ieiunum, et communicandum
esse pertinaciter asserant, contra laudabilem ecclesiae consuetudinem
rationabiliter comprobata⁰, quam tamquam sacrilegam damnabiliter
reprobare conantur, ad capited incipiendod: hinc est, quod hoc praesens
Const dense concilium generale, in Spiritu sancto legitime congrega-

« papa *add. Aid* » sic nominati *Asd* c approbatam *Asd*
d *om. Asd*

l Sequitur aliud *deatium de eliffndis quattuor indicibus pro vocandis praelatis absentibus.*

above-mentioned procedures or in any one of them. It condemns the said person, by this same sentence, to stay and remain in a good and suitable place, in the name of this sacred general council, in the safe custody of the most serene prince lord Sigismund, king of the Romans and of Hungary, etc., and most devoted advocate and defender of the universal church, as long as it seems to the said general council to be for the good of the unity of God's church that he should be so condemned. The said council reserves the right to declare and inflict other punishments that should be imposed for the said crimes and faults in accordance with canonical sanctions, according as the rigour of justice or the counsel of mercy may advise.

[Decree to the effect that none of the three contenders for the papacy may be re-elected as pope]

The said holy synod decrees, determines and ordains for the good of unity in God's church that neither the lord Baldassare de Cossa, recently John XXIII, nor Angelo Correr nor Peter de Luna, called Gregory XII and Benedict XIII by their respective obediences, shall ever be re-elected as pope. If the contrary happens, it is by this very fact null and void. Nobody, of whatever dignity or pre-eminence even if he be emperor, king, cardinal or pontiff, may ever adhere to or obey them or any one of them, contrary to this decree, under pain of eternal damnation and of being a supporter of the said schism. Let those who presume to the contrary, if there are any in the future, also be firmly proceeded against in other ways, even by invoking the secular arm¹.

SESSION 13

15 June 1415

[Condemnation of communion under both kinds, recently revived among the Bohemians by Jakoubek of Stribro]

In the name of the holy and undivided Trinity, Father and Son and holy Spirit, Amen. Certain people, in some parts of the world, have rashly dared to assert that the Christian people ought to receive the holy sacrament of the eucharist under the forms of both bread and wine. They communicate the laity everywhere not only under the form of bread but also under that of wine, and they stubbornly assert that they should communicate even after a meal, or else without the need of a fast, contrary to the church's custom which has been laudably and sensibly approved, from the church's head downwards, but which they damnablely try to repudiate as sacrilegious. Therefore this present general council of Constance, legitimately assembled in the holy Spirit, wishing to provide for the

¹ There follows a separate *decree on electing four judges for summoning absent prelates*.

tum, adversus hunc errorem salutem fidelium providere satagens, matura plurium doctorum tam divini quam humani iuris deliberatione praehabita, declarat, decernit et definit, quod licet Christus post coenam instituerit, et suis apostolis⁴ ministraverit sub utraque specie panis et vini hoc venerabile sacramentum¹, tamen, hoc non obstante, sacrorum canonum & auctoritas laudabilis, et approbata consuetudo ecclesiae servavit et servat, quod huiusmodi sacramentum non debet confici post coenam, neque a fidelibus recipi non ieiunis, nisi in casu infirmatis, aut aliusb necessitatis, a iure vel ab ecclesia concessio, vel admissio. Et, sicut haec consuetudo ad vitanda aliqua pericula et scandala rationabiliter introducta est, sic io potuit simili aut maiori ratione introduci et rationabiliter observât?, quod, licet in primitiva ecclesia huiusmodi sacramentum reciperetur a fidelibus sub utraque specie, tamen postea a conficientibus sub utraque et a laicis tantummodo sub specie panis suscipiatur, cum firmissime credendum sit, et nullatenus dubitandum, integrum Christi corpus et sanguinem tam sub specie panis, quam sub specie vini veraciter contineri. 15 Unde, cum huiusmodi consuetudo ab ecclesia et sanctis patribus rationabiliter introducta, et diutissime observata sit, habenda est pro lege, quam non licet reprobare, aut sine ecclesiae auctoritate pro libito innovare. Quapropter dicere, quod hanc consuetudinem aut legem observare, sit 20 sacrilegum aut illicitum, censeri debet erroneum: et pertinaciter asserentes oppositum praemissarum, tamquam haeretici arcendi sunt et graviter puniendi per dioecesanos locorum, seu officiales eorum, aut inquisitores haereticae pravitatis, in regnis seu provinciis, in quibus contra hoc decretum aliquid fuerit forsitan attentatum aut praesumptum, iuxta canonicas a et legitimas sanctiones, in favorem catholicae fidei, contra haereticos et eorum fautores salubriter adinventas.

[Quod nullus presbyter sub poena excommunicationis
communicet populum sub utraque specie panis et vini]

Item ipsa sancta synodus decernit et declarat super ista materia reverendissimis in Christo patribus et dominis patriarchis, primatibus, archiepiscopis, episcopis et eorum in spiritualibus vicariis, ubilibet constitutis, processus esse dirigendos, in quibus eis committatur et mandetur auctoritate huius sacri concilii sub poena excommunicationis, ut effectualiter puniant eos contra hoc decretum excedentes. Eos veroe qui in communicando populum sub utraque specie panis et vini exorbitaverunt, et sic faciendum esse docuerunt, si ad poenitentiam redeant[^], ad gremium ecclesiae suscipiant, iniuncta eis pro modo culpae poenitentia salutari. Qui vero ex illis ad poenitentiam redire non curaverint, animo indurato, per censuras ecclesiasticas per eos ut haeretici sunt coercendi, invocato <0 etiam ad hoc, si opus fuerit, auxilio brachii saecularis.

* discipulis *Asd* b alterius *Asd* c sic ... observari *om. Asd* d mutare *Asd*
e *om. Asd* f exhortaverint *Asd* g docuerunt. . . redeant *om. Asd*

1 Cf. Mt 26, 26-28; Mr 14,22-24; Lc 22,19-20; 1 Cor 2, 23-25.

safety of the faithful against this error, after long deliberation by many persons learned in divine and human law, declares, decrees and defines that, although Christ instituted this venerable sacrament after a meal and ministered it to his apostles under the forms of both bread and wine¹, nevertheless and notwithstanding this, the praiseworthy authority of the sacred canons and the approved custom of the church have and do retain that this sacrament ought not to be celebrated after a meal nor received by the faithful without fasting, except in cases of sickness or some other necessity as permitted by law or by the church. Moreover, just as this custom was sensibly introduced in order to avoid various dangers and scandals, so with similar or even greater reason was it possible to introduce and sensibly observe the custom that, although this sacrament was received by the faithful under both kinds in the early church, nevertheless later it was received under both kinds only by those confecting it, and by the laity only under the form of bread. For it should be very firmly believed, and in no way doubted, that the whole body and blood of Christ are truly contained under both the form of bread and the form of wine. Therefore, since this custom was introduced for good reasons by the church and holy fathers, and has been observed for a very long time, it should be held as a law which nobody may repudiate or alter at will without the church's permission. To say that the observance of this custom or law is sacrilegious or illicit must be regarded as erroneous. Those who stubbornly assert the opposite of the aforesaid are to be confined as heretics and severely punished by the local bishops or their officials or the inquisitors of heresy in the kingdoms or provinces in which anything is attempted or presumed against this decree, according to the canonical and legitimate sanctions that have been wisely established in favour of the catholic faith against heretics and their supporters.

[That no priest, under pain of excommunication, may communicate the people
under the forms of both bread and wine]

This holy synod also decrees and declares, regarding this matter, that instructions are to be sent to the most reverend fathers and lords in Christ, patriarchs, primates, archbishops, bishops, and their vicars in spirituals, wherever they may be, in which they are to be commissioned and ordered on the authority of this sacred council and under pain of excommunication, to punish effectively those who err against this decree. They may receive back into the church's fold those who have gone astray by communicating the people under the forms of both bread and wine, and have taught this, provided they repent and after a salutary penance, in accordance with the measure of their fault, has been enjoined upon them. They are to repress as heretics, however, by means of the church's censures and even if necessary by calling in the help of the secular arm, those of them whose hearts have become hardened and who are unwilling to return to penance.

¹ See Mt 26, 26-28; Mk 14, 22-24; Lk 22, 19-20; 1 Cor 2, 23-25.

SESSIO XIV¹

4 iul. 1415

[Ioannis XXIII olim papae et Gregorii XII papae sectatores,
utroque abdicato, uniti]

Cum principium cuiuslibet rei* potissima pars sit, ut principium decens et amabile Deo, et possibilis ecclesiae reintegration fiat, sacrosancta generalis synodus Constantiensis in Spiritu sancto congregata legitime, ecclesiam catholicam repraesentans, ut istae duae oboedientiae, videlicet illa quae profitetur dominum Ioannem XXIII olim fuisse papam, et illa, quae profitetur dominum Gregorium XII esse papam, unanimiterb una alteri, et altera alteri coniungantur sub capite Christo, dictas convocationem, 1& auctorizationem, approbationem et confirmationem nomine illius domini qui in sua oboedientia dicitur Gregorius XII nunc factas, quantum ad ipsum spectare videtur, quia abundans ad certitudinem pro bona cautela nemini nocet, sed omnibus prodest, in omnibus et per omnia admittit, et aliquo' modo has supradictas duas oboedientias coniunctas et unitas esse decernit et declarat in uno corpore domini nostri Iesu Christi, et huius sacri universalis concilii generalis, in nomine Patris et Filii et Spiritus sancti.

[Decretum, quod electio Romani pontificis fiat modo et forma
per sacrum concilium ordinandis, et quod concilium non
dissolvatur, donec electio futuri Romani pontificis facta sit]

Sacrosancta generalis synodus Constantiensis, etc. ut ecclesiae sanctae Dei eo melius, sincerius et*¹ securius*¹ provideatur statuit, pronunciat, ordinat, et decernit, quod proxima electio futuri Romani pontificis fiat modo, forma, loco, tempore et materia per sacrum concilium ordinandis. Et quod idem concilium possit et valeat in futurum quascumque personas, cuiuscumque status vel oboedientiae sint aut fuerint, ad electionem huiusmodi active et passive, et alios quoscumque actus ecclesiasticos, et omnia alia opportuna, non obstantibus quibuscumque processibus, poenis aut sententiis, habilitare, recipere et deputare modo et forma, quibus tunc' videbitur expedire. Quodque sacrum concilium non dissolvatur, donec electio huiusmodi fuerit celebrata. Exhortans dicta sancta synodus invictissimum principem dominum Sigismundum Romanorum et Hungarorum regem, pariter et requirens, quatenus tamquam pius ecclesiae advocatus, et sacri concilii defensor et protector, omnem ad hoc operam efficaciter impendat, et verbo regio velle facere hoc promittat, ac litteras suae maiestatis desuper fieri decernat.

* *Sit Atd*; cuiuslibet non *Hardt* b uniantur *Aid*
c et amodo *Atd* d *cm. Atd* e etiam *Atd*

¹ In hac sessione Gregorius XII papa per Carolum de Malatestis legatum suum adprobavit concilium Constantiense et solemnissime renundavit papatui.

SESSION 14'

4 July 1415

[Uniting of the followers of pope Gregory XII and of the former pope John XXIII,
now that both men have abdicated]

In order that the reunion of the church may be possible and that a beginning may be made which is fitting and pleasing to God, since the most important part of any matter is its beginning, and in order that the two obediences — namely the one claiming that the lord John XXIII was formerly pope and the other claiming that the lord Gregory XII is pope — may be united together under Christ as head, this most holy general synod of Constance, legitimately assembled in the holy Spirit and representing the catholic church, accepts in all matters the convoking, authorising, approving and confirming that is now being made in the name of the lord who is called Gregory XII by those obedient to him, insofar as it seems to pertain to him to do this, since the certainty obtained by taking a precaution harms nobody and benefits all, and it decrees and declares that the aforesaid two obediences are joined and united in the one body of our lord Jesus Christ and of this sacred universal general council, in the name of the Father and of the Son and of the holy Spirit.

[Decree stating that the election of the Roman pontiff is to be made in the manner and form to be laid down by the sacred council, and that the council shall not be dissolved until the election of the next Roman pontiff has been made]

The most holy general synod of Constance, etc., enacts, pronounces, ordains and decrees, in order that God's holy church may be provided for better, more genuinely and more securely, that the next election of the future Roman pontiff is to be made in the manner, form, place, time and way that shall be decided upon by the sacred council; that the same council can and may henceforth declare fit, accept and designate, in the manner and form that then seems suitable, any persons for the purposes of this election, whether by active or by passive voice, of whatever state or obedience they are or may have been, and any other ecclesiastical acts and all other suitable things, notwithstanding any proceedings, penalties or sentences; and that the sacred council shall not be dissolved until the said election has been held. The said holy synod therefore exhorts and requires the most victorious prince lord Sigismund, king of the Romans and of Hungary, as the church's devoted advocate and as the sacred council's defender and protector, to direct all his efforts to this end and to promise on his royal word that he wishes to do this and to order letters of his majesty to be made out for this purpose.

¹ At this session pope Gregory XII, through his legate Charles Malatesta, approved the council of Constance and solemnly renounced the papacy.

[Concilium approbat resignationem per
Gregorium XII factam]

Sacrosancta generalis synodus Constantiensis, in Spiritu sancto legitime congregata, universalem ecclesiam catholicam repraesentans, cessionem, renunciationem et resignationem pro parte illius domini, qui in sua oboedientia dicebatur Gregorius XII, iuris, tituli et possessionis, quod, quem et quam habuit in papatu, vel si quod, quem vel quam habuit in papatu, nunc per magnificum et potentem dominum Carolum de Malatestis hic praesentem, eius ad hoc procuratorem irrevocabilem, pro eodem domino qui dicebatur Gregorius XII factas, admittit, approbat et collaudat in nomine Patris et Filii et Spiritus sancti.¹

SESSIO XV

6 iul. 1415

[Sententia condemnatoria CCLX articulorum Wiclefi]*

Sacrosancta Constantiensis synodus generalis, ecclesiam catholicam repraesentans, ad extirpationem schismatis errorumque et haeresium in Spiritu sancto legitime congregata, auditis diligenter et examinatis libris et opusculis damnatae memoriae Ioannis Wicleff per doctores et magistros studii generalis Oxoniensis, qui de eisdem libris et opusculis ducentos et sexaginta reprobos excerptando collegerunt, et scholastice reprobarunt articulos, quos omnes haec sacra synodus fecit examinari, et saepius recenseri per plures reverendissimos patres ecclesiae Romanae cardinales, episcopos, abbates, magistros in theologia, doctores utriusque iuris, et alios plures notabiles diversorum generalium studiorum numero copioso. Quibus articulis sic examinatis fuit et est repertum, aliquos et plures ex ipsis fuisse et esse notorie haereticos, et dudum a sanctis patribus reprobatos, quosdam piarum aurium offensivos, nonnullos eorumdem temerarios et seditiosos. Propterea in nomine domini nostri Iesu Christi haec sancta synodus praedictos articulos, et eorum quemlibet hoc perpetuo

1 Tota haec stnitniia damnatoria Ioannis Wicleff cum articulis ex CCLX selectis dunt in Asd; articuli vero editi sunt etiam in H-L 7, 308-313

¹ Ad resignationem Gregorii XII confirmandam et ad sectatores duarum oboedientiarum coniungendos haec decreta in eadem sessione promulgata sunt: *Sublati processus, in duabus oboedientiis, bine inde occasione schismatis decreti. Decretum, quod vacante sede non procedatur sine consensu concilii ad electionem Romani pontificis* (decretum hoc congruit illo statuto quod in superiori sessione promulgatum erat). *Canalium omnia per Gregorium XII in sua reali oboedientia canonice ei rationabiliter gesta ratificai. Decretum quod non reeligatur Gregorius XII non esse factum ad ipsius domini Gregorii inhabilitationem. Concilium reservat et se facturum declarat, quod providebit, ubi duo vel plures in eodem titulo ex diversis oboedientiis concurrunt. Concilium recipit ei admittit in cardinales dominum Gregorium ei eius cardinales. Quod offiarii domini Gregorii gaudeant eorum officiis. Quod nullus recedat sine licentia concilii e concilio. Quod imperator Sigismundus dei operam, ut concilium sit tutum. Decretum quod requiratur Petrus de Luna (Benedictus XIII) auctoritate concilii ad cedendum.*

[The council approves Gregory XII's resignation]

The most holy general synod of Constance, legitimately assembled in the holy Spirit, representing the universal catholic church, accepts, approves and commends, in the name of the Father, the Son and the holy Spirit, the cession, renunciation and resignation made on behalf of the lord who was called Gregory XII in his obedience, by the magnificent and powerful lord Charles Malatesta here present, his irrevocable procurator for this business, of the right, title and possession that he had, or may have had, in regard to the papacy.'

SESSION 15

6 July 1415

[Sentence condemning 260 articles of Wyclif]³

The books and pamphlets of John Wyclif, of cursed memory, were carefully examined by the doctors and masters of Oxford university. They collected 260 unacceptable articles from these books and pamphlets and condemned them in scholastic form. This most holy general synod of Constance, representing the catholic church, legitimately assembled in the holy Spirit for the purpose of extirpating schism, errors and heresies, has had all these articles examined many times by many most reverend fathers, cardinals of the Roman church, bishops, abbots, masters of theology, doctors of both laws, and very many other notable persons from various universities. It was found that some, indeed many, of the articles thus examined were and are notoriously heretical and have already been condemned by holy fathers, some are offensive to the ears of the devout and some are rash and seditious. This holy synod, therefore, in the name of our lord Jesus Christ, repudiates and condemns, by this perpetual decree, the aforesaid

^a *The whole of this sentence condemning John Wyclif together with the articles selected from the 260, is not in Asd; but the articles are published also in H-L 7, 308-313.*

The following decrees were also promulgated at this session for the purpose of confirming Gregory XII's resignation and of uniting the followers of the two obediences: *Legal proceedings in the two obediences, arising from the schism, are declared ended. Decree stating that the process for electing the Roman pontiff, when the see is vacant, may not begin without the council's consent* (this decree accords with the decrees promulgated in the earlier session). *The council ratifies all that Gregory XII did, canonically and according to reason, within his actual obedience. The decree that Gregory XII may not be re-elected was not made on the grounds of incapacity on the part of the said lord Gregory. The council reserves to itself, and declares that it will indeed see to, the resolution of problems where two or more persons from different obediences hold the same title. The council accepts and admits as cardinals the lord Gregory and his cardinals. That the lord Gregory's officials shall retain their offices. That nobody may depart from the council without the council's permission. That the emperor Sigismund is to attend to the council's safety. Decree stating that the council requires Peter de Luna (Benedict XIII) to resign.*

decreto reprobat et condemnat: inhibens omnibus et singulis catholicis sub anathematis interminatione, ne de cetero dictos articulos aut ipsorum aliquem audeant praedicare, dogmatizare, offerre, vel tenere. Super quibus exsequendis et debite conservandis mandat praedicta sancta synodus
 5 ordinariis locorum ac inquisitoribus haereticae pravitatis vigilanter intendere, prout ad quemlibet pertinet, secundum iura et canonicas sanctiones. Si quis vero praemissorum huius sacri concilii decretorum et sententiarum temerarius violator exstiterit animadversione debita per locorum ordinarios, quocumque privilegio non obstante, sacri huius auctoritate concilii
 10 puniatur.¹

[Articuli Ioannis Wicleff ex CCLX selecti]

1. Sicut Christus est simul Deus et homo, sic hostia consecrata est simul corpus Christi et verus panis. Quia est corpus Christi ad minimum in figura, et panis verus in natura, vel, quod idem sonat, est verus panis
 is naturaliter et corpus Christi figuraliter.

2. Cum mendacium haereticum de hostia consecrata inter haereses singulas teneat principatum, ut ipsa ab ecclesia exstirpetur, secure denuncio modernis haereticis, quod non possunt declarare nec intelligere accidens sine subiecto. Et ideo omnes istae sectae haereticae in capitulo ignorantium
 20 Ioannis quartum : *Nos adoramus quod scimus*^{2*}.

3. Audacter praenostico omnibus istis sectis et suis complicibus, quod non defendant fidelibus, quod sacramentum erit accidens sine subiecto, antequam Christus et tota triumphans ecclesia venerit in finali iudicio, equitans super flatum angeli Gabrielis.

is 4. Sicut Ioannes figuraliter fuit Elias, et non personaliter, sic panis in altari figuraliter est corpus Christi. Et absque omni ambiguitate haec est figurativa locutio: *Hoc est corpus meum*², sicut ista locutio: „Ioannes est Elias.“

5. Fructus istius dementiae qua fingitur accidens sine subiecto, foret blasphemare in Deum, scandalizare sanctos, et illudere ecclesiae per mendacia accidentis.

6. Definientes, parvulos fidelium, sine sacramentali baptismo decedentes, non fore salvandos, sunt in hoc stolidi et praesumptuosi.

7. Levis et brevis confirmatio episcoporum, cum additis ritibus tantum solemnizatis, est ex motione diaboli introducta, ut populus in fide ecclesiae illudatur, et episcoporum solemnitas aut necessitas plus credatur.

8. Quantum ad oleum, quo episcopi ungunt pueros, et peplum lineum, quod complexum est capiti, videtur, quod sit ritus levis, infundabilis ex scriptura. Et quod ista confirmatio, introducta super apostolos, blasphemat in Deum.
 40

9. Confessio vocalis, facta sacerdoti, introducta per Innocentium⁴, non

¹ Vide supra sess. VIII (p. 415). In Hardt (4,400 et 408) haec secunda Ioannis Wicleff damnatio haud clare distinguitur ab alia Ioannis Huss quae statim in hac ipsa sessione decreta est. ² Io 4,22. » Mt 26,26; Mr 14,22; Lc 22,19; 1 Cor 11, 24.

* Innocentium III intellige; cf. conc. Lat. IV, c. 21 (v. supra p. 245i).

articles and each one of them in particular; and it forbids each and every Catholic henceforth, under pain of anathema, to preach, teach, or hold the said articles or any one of them. The said holy synod orders local ordinaries and inquisitors of heresy to be vigilant in carrying out these things and duly observing them, insofar as each one is responsible, in accordance with the law and canonical sanctions. Let anyone who rashly violates the aforesaid decrees and sentences of this sacred council be punished, after due warning, by the local ordinaries on the authority of this sacred council, notwithstanding any privilege.¹

[Articles of John Wyclif selected from the 260]

1. Just as Christ is God and man at the same time, so the consecrated host is at the same time the body of Christ and true bread. For it is Christ's body at least in figure and true bread in nature; or, which comes to the same thing, it is true bread naturally and Christ's body figuratively.

2. Since heretical falsehood about the consecrated host is the most important point in individual heresies, I therefore declare to modern heretics, in order that this falsehood may be eradicated from the church, that they cannot explain or understand an accident without a subject. And therefore all these heretical sects belong to the number of those who ignore the fourth chapter of John: *We worship what we know*².*

3. I boldly foretell to all these sects and their accomplices that even by the time Christ and all the church triumphant come at the final judgment riding at the trumpet blast of the angel Gabriel, they shall still not have proved to the faithful that the sacrament is an accident without a subject.

4. Just as John was Elias in a figurative sense and not in person, so the bread on the altar is Christ's body in a figurative sense. And the words, *This is my body**, are unambiguously figurative, just like the statement "John is Elias".

5. The fruit of this madness whereby it is pretended that there can be an accident without a subject is to blaspheme against God, to scandalise the saints and to deceive the church by means of false doctrines about accidents.

6. Those who claim that the children of the faithful dying without sacramental baptism will not be saved, are stupid and presumptuous in saying this.

7. The slight and short confirmation by bishops, with whatever extra solemnised rites, was introduced at the devil's suggestion so that the people might be deluded in the church's faith and the solemnity and necessity of bishops might be believed in the more.

8. As for the oil with which bishops anoint boys and the linen cloth which goes around the head, it seems that this is a trivial rite which is unfounded in scripture; and that this confirmation, which was introduced after the apostles, blasphemes against God.

9. Oral confession to a priest, introduced by Innocent⁴, is not as necessary to

¹ See above, session 8 (p. 415). In Hardt (4, 400 and 408) this second condemnation of John Wyclif is not clearly distinguished from the condemnation of John Hus which follows immediately in the same session.

² Jn 4, 22.

} Mt 26, 26; Mk 14, 22; Lk 22, 19; 1 Cor 11, 24.

⁴ Innocent III; see Lateran council IV, constitution 21 (see above, p. 245).

est tam necessaria homini, ut definit. Quia si quis solum cogitatu, verbo vel opere offenderet fratrem suum, solo cogitatu, verbo, opere, sufficit poenitere.

10. Grave est et infundabile, presbyterum audire confessionem populi, modo quo Latini utuntur. 8

11. In his verbis, *Vos mundi estis, sed non omnes*¹, posuit diabolus pedicam infidelium' qua pedem caperet christiani. Introduxit enim confessionem privatam et infundabilem. Et postquam illa confessori nota fuit, ut legem statuit, quod non prodatur populo malitia sic confessi.

12. Coniectura probabilis est, quod talis, qui rite vivit, est diaconus vel sacerdos. Sicut enim conficio, quod iste est loannes, sic probabili coniectura cognosco, quod iste sancte vivendo constitutus est a Deo in tali officio sive statu. 10

13. Non ex testificatione hominis ordinantis, sed ex justificatione operis capienda est probabilis evidentia talis status. Deus enim potest sine tali instrumento digno vel indigno personam aliam in tali statu constituere. Nec est probabilior evidentia, quam ex vita. Ideo, habita vita sancta et doctrina catholica, satis est ecclesiae militanti. (Error in principio et fine.) 15

14. Conversatio mala praelati subtrahit acceptionem ordinum et aliorum sacramentorum a subditis. Qui tamen necessitate urgente possent hoc ab eis capere, suppli do pie, quod Deus suppleat per ministros suos diabolo opus vel finem officii, ad quod iurant. 20

15. Antiqui, ex cupiditate temporalium, ex spe mutuorum iuvaminum, aut ex causa excusandae libidinis, licet desperent de prole, copulentur ad invicem ; nam vere matrimonialiter copulanturb. 25

16. Haec verba: *Accipiam te in uxorem*, eligibilia sunt in contractu matrimoniali, quam ista: *Ego te accipio in uxorem*. Et quod contrahendo cum una per haec verba de futuro, et post cum alia, per haec verba de praesenti, non debent frustrari verba prima per verba secundaria de praesenti. 30

17. Papa, qui se falso nominat servum servorum Dei, sub nullo gradu est in opere evangelii, sed mundano. Et si sit in ordine aliquo, est in ordine daemonum, Deo plus culpabiliter servientium.

18. Papa non dispensat cum simonia, vel voto temerario, cum ipse sit capitalis simoniacus, vovens temerarie servare statum suum^c damnabiliter hic in via. (Error in fine.) 35

19. Quod papa sit summus pontifex, est ridiculum. Et Christus nec in Petro, nec in alio, talem approbavit dignitatem.

20. Papa est patulus antichristus^d. Non solum illa persona simplex, sed multitudo paparum a tempore donationis^e ecclesiae, cardinalium, episcoporum, et suorum complicum aliorum, est antichristi persona composita, monstruosa. Non tamen repugnat, quin Gregorius et alii papae, 40

* infidelem *Mñ* b non vero matrimonialiter copulentur *Mñ*

c summe *Mñ* d patronus antichristi *Msi* e dotationis *Mñ*

* Io 13,10.

people as he claimed. For if anyone offends his brother in thought, word or deed, then it suffices to repent in thought, word or deed.

10. It is a grave and unsupported practice for a priest to hear the confessions of the people in the way that the Latins use.

11. In these words, *You are clean, but not all arel*, the devil has laid a snare of the unfaithful ones in order to catch the Christian's foot. For he introduced private confession, which cannot be justified; and after the person's malice has been revealed to the confessor, as he decreed in the law, it is not revealed to the people.

12. It is a probable conjecture that a person who lives rightly is a deacon or a priest. For just as I infer that this person is John, so I recognise by a probable conjecture that this person, by his holy life, has been placed by God in such an office or state.

13. The probable evidence for such a state is to be taken from proof provided by the person's deeds and not from the testimony of the person ordaining him. For God can place someone in such a state without the need of an instrument of this kind, no matter whether the instrument is worthy or unworthy. There is no more probable evidence than the person's life. Therefore if there is present a holy life and catholic doctrine, this suffices for the church militant. (Error at the beginning and at the end.)

14. The bad life of a prelate means that his subjects do not receive orders and the other sacraments. They can receive them from such persons, however, when there is urgent need, if they devoutly beseech God to supply on behalf of his diabolical ministers the actions and purpose of the office to which they have bound themselves by oath.

15. People of former times would copulate with each other out of desire for temporal gain or for mutual help or to relieve concupiscence, even when they had no hope of offspring; for they were truly copulating as married persons^b.

16. The words, *I will take you as wife*, are more suitable for the marriage contract than, *I take you as wife*. And the first words ought not to be annulled by the second words about the present, when someone contracts with one wife in the words referring to the future and afterwards with another wife in those referring to the present.

17. The pope, who falsely calls himself the servant of God's servants, has no status in the work of the gospel but only in the work of the world. If he has any rank, it is in the order of demons, of those who serve God rather in a blame-worthy way.

18. The pope does not dispense from simony or from a rash vow, since he is the chief simoniac who rashly vows to preserve, to his damnation, his status here on the way. (Error at the end.)

19. That the pope is supreme pontiff is ridiculous. Christ approved such a dignity neither in Peter nor in anyone else.

20. The pope is antichrist made manifest. Not only this particular person but also the multitude of popes, from the time of the endowment of the church, of cardinals, of bishops and of their other accomplices, make up the composite, monstrous person of antichrist. This is not altered by the fact that Gregory and

^b but they were not copulating as married persons *Msi*.

¹ Jn 13, 10.

qui in vita sua fecerunt multa bona de genere fructuoso, finaliter poenitebant

21. Petrus et Qemens, cum ceteris adiutoribus in fide, non fuerunt papae, sed Dei adiutores, ad aedificandam ecclesiam domini nostri Iesu Christi,

s 22. Quod ex fide evangelii ista papalis praeminentia coepit ortum, est aequale falsum, sicut, quod ex prima veritate error quilibet exortus.

23. Duodecim sunt procuratores et discipuli antichristi: papa, cardinales, patriarchae, archiepiscopi, episcopi, archidiaconi, officiales, decani, monachi, bifurcati canonici, pseudofratres introducti iam ultimo, et io quaestores.

24. Patet luce clarius, quod quicumque est humilior, ecclesiae servitior, et in amore Christi quoad suam ecclesiam amacior, est in ecclesia militante maior, et proximus Christi vicarius reputandus.

25. Omnis iniuste occupans quodeumque bonum Dei, capit rapina, is furto vel latrocinio aliena.

26. Nec testium depositio, nec iudicis sententia, nec corporalis possessio, sicut nec descensus* haereditarius, nec humana commutatio, sive donatio, confert homini sine gratia dominium vel ius ad aliquid, vel omnia ista simul. (Error, si intelligatur de gratia gratum faciente.)

μ 27. Nisi adsit lex charitatis intrinsecus, nemo propter chartas vel bullas habet habilitatem vel iustitiam plus vel minus. Nos non debemus praestare aut donare aliquid peccatori, dum cognoscimus ipsum esse talem. Quia sic foveremus proditorem Dei nostri.

as 28. Sicut princeps vel dominus tempore, quo est in peccato mortali, non sortitur nomen illius officii, nisi nomine-tenus et satis aequivoce: sic nec papa, episcopus vel sacerdos, dum lapsus fuerit in mortali.

29. Omnis habitans in peccato mortali, caret quocumque dominio et usu licito operis, etiam boni de genere.

30. Ex principiis fidei est per se notum, quod quidquid homo in mortali peccato fecerit, peccat mortaliter.

31. Ad verum saeculare dominium requiritur iustitia dominantis, hicb¹ nullus, existens in peccato mortali, est dominus alicuius rei.

32. Omnes religiosi moderni se ipsos necessitant, ut hypocrisi maculentur. Ad hoc enim sonat sua professio, ut sic ieiunent, ut sic induant, et ut sic faciant, quidquid differenter ab aliis observant⁰.

33. Omnis privata religio sapit, ut sic, imperfectionem et peccatum, quo homo indisponitur ad Deo libere serviendum.

40 34. Religio sive regula privata sapit praesumptionem blasphemam et arrogantem supra Deum. Et religiosi talium ordinum per hypocrisin defensionis suae religionis praesumunt se supra apostolos exaltare.

35. Christus non docet in scriptura aliquam speciem ordinis de capitulo antichristi. Et ideo non est de suo beneplacito, quod sint tales. Capitulum autem istud in istis speciebus duodecim Continetur, quae sunt
45 ales, decani, monachi, canonici, fratres de quatuor ordinibus, et quaestores.

» distemus *Mri* b sic *Mri* c indifferenter ab aliis observatur *Msi*

other popes, who did many good and fruitful things in their lives, finally repented.

21. Peter and Clement, together with the other helpers in the faith, were not popes but God's helpers in the work of building up the church of our lord Jesus Christ.

22. To say that papal pre-eminence originated with the faith of the gospel is as false as to say that every error arose from the original truth.

23. There are twelve procurators and disciples of antichrist: the pope, cardinals, patriarchs, archbishops, bishops, archdeacons, officials, deans, monks, canons with their two-peaked hats, the recently introduced pseudo-friars, and pardoners.

24. It is clear that whoever is the humbler, of greater service to the church, and the more fervent in Christ's love towards his church, is the greater in the church militant and to be reckoned the most immediate vicar of Christ.

25. Whoever holds any of God's goods unjustly, is taking the things of others by rapine, theft or robbery.

26. Neither the depositions of witnesses, nor a judge's sentence, nor physical possession, nor inheritance, nor an exchange between persons, nor a gift, nor all such things taken together, confer dominion or a right to anything upon a person without grace. (An error, if it is understood as referring to sanctifying grace.)

27. Unless the interior law of charity is present, nobody has more or less authority or righteousness on account of charters or bulls. We ought not to lend or give anything to a sinner so long as we know that he is such, for thus we would be assisting a traitor of our God.

28. Just as a prince or a lord does not keep the title of his office while he is in mortal sin, except in name and equivocally, so it is with a pope, bishop or priest while he has fallen into mortal sin.

29. Everyone habitually in mortal sin lacks dominion of any kind and the licit use of an action, even if it be good in its kind.

30. It is known from the principles of the faith that a person in mortal sin, sins mortally in every action.

31. In order to have true secular dominion, the lord must be in a state of righteousness. Therefore nobody in mortal sin is lord of anything.

32. All modern religious necessarily become marked as hypocrites. For their profession demands that they fast, act and clothe themselves in a particular way, and thus they observe everything differently from other people.

33. All private religion as such savours of imperfection and sin whereby a person is indisposed to serve God freely.

34. A private religious order or rule savours of a blasphemous and arrogant presumption towards God. And the religious of such orders dare to exalt themselves above the apostles by the hypocrisy of defending their religion.

35. Christ does not teach in scripture about any kind of religious order in antichrist's chapter. Therefore it is not his good pleasure that there should be such orders. The chapter is composed, however, of the following twelve types: the pope, cardinals, patriarchs, archbishops, bishops, archdeacons, officials, deans, monks, canons, friars of the four orders, and pardoners.

36. Ex ride et operibus quatuor sectarum, quae sunt clerus caesareus, varius³ monachus, varius* canonicus, atque fratres, evidenter elicio, quod nulla persona istarum est membrum Christi in sanctorum catalogo, nisi in rine dierum deseruerit acceptatam stolide sectam suam.

37. Paulus quondam pharisaeus, propter meliorem sectam Christi de s eius licentia sectam illam dereliquit. Et haec ratio, quare claustrales, cuiuscumque sectae fuerint vel obligationis, aut quocumque iuramento stulto astricti, debent libere ex mandato Christi exuere ista vincula, et induere libere sectam Christi.

38. Sufficit laicis, quod quandoque dant servis Dei decimas suorum io proventuum. Et cum istis paribus semper dant ecclesiae, licet non semper clero caesareo, a papa vel suis subditis assignato.

39. Potestas, quae fingitur^{l'} a papa et aliis quatuor novis sectis, sunt fictae et ad seducendum subditos diabolice introductae: ut praelatorum caesareorum excommunicatio, citatio, incarceration, et redditus pecuniarum is venditio⁶.

40. Multi sacerdotes simplices superant praelatos in huiusmodi potesta- te. Immo videtur fidelibus, quod magnitudo potestatis spiritualis plus consequitur filium, imitatorium Christi in moribus, quam praelatum, qui per cardinales et tales apostatas est electus. 20

41. Subtrahat populus decimas, oblationes, et alias privatas eleemo- synas ab indignis antichristi discipulis, cum hoc facere debeat de lege Dei. Nec est timenda, sed gaudenter acceptanda maledictio, vel censura, quam inferunt discipuli antichristi. Dominus papa, episcopi, omnes religiosi vel puri clerici, titulo perpetuae possessionis dotati, debent 25 renunciare illis in manibus brachii saecularis. Quod si pertinaciter no- luerint, per saeculares dominos debent cogid.

42. Non est maior haereticus vel antichristus, quam ille clericus, qui docet, quod licitum est sacerdotibus et leviris legis gratiae dotari in pos- sessionibus temporalibus, et si sunt aliqui haeretici vel blasphemii, sunt 30 illi clerici, qui hoc docent.

43. Non solum possunt domini temporales auferre bona fortunae ab ecclesia habitualiter delinquente', nec solum hoc eis licet, sed debent hoc facere sub poena damnationis aeternae.

44. Deus non approbat, quemquam damnari civiliter vel civiliter 35 iudicari.

45. Si fiat obiectio contra impugnantes dotationem ecclesiae, de Bene- dicto, Gregorio et Bernardo, qui pauca temporalia in pauperie posside- bant, dicitur, quod illi finaliter poenitebant. Si iterum obiicias, quod fingo, sanctos istos de ista declinatione a lege Domini finaliter poenitere, <0 doce tuf, quod sint sancti, et ego docebo, quod finaliter poenitebant.

46. Si scripturae sacrae et rationi debemus credere, patet, quod discipuli Christi non habent potestatem coacte exigendi temporalia per censuras, sed hoc tentantes sunt filii Heli, filii Belial.

a vanus *Mri* b *legi* Potestates . . . finguntur c vendicatio *Mri* d regi *Mri* <5
e bona ecclesiae ab habitualiter delinquentibus *Mri* f *Sic Mri*; docetur *Hardt*

36. I infer as evident from the faith and works of the four sects — which are the caesarean clergy, the various monks, the various canons, and the friars — that nobody belonging to them is a member of Christ in the catalogue of the saints, unless he forsakes in the end the sect which he stupidly embraced.

37. Paul was once a pharisee but abandoned the sect for the better sect of Christ, with his permission. This is the reason why cloistered persons, of whatever sect or rule, or by whatever stupid vow they may be bound, ought freely to cast off these chains, at Christ's command, and freely join the sect of Christ.

38. It is sufficient for the laity that at some times they give tithes of their produce to God's servants. In this way they are always giving to the church, even if not always to the caesarean clergy deputed by the pope or by his dependents.

39. The powers that are claimed by the pope and the other four new sects are pretended and were diabolically introduced in order to seduce subjects; such are excommunications by caesarean prelates, citations, imprisoning, and the sale of money rents.

40. Many simple priests surpass prelates in such power. Indeed, it appears to the faithful that greatness of spiritual power belongs more to a son who imitates Christ in his way of life than to a prelate who has been elected by cardinals and similar apostates.

41. The people may withhold tithes, offerings and other private alms from unworthy disciples of Christ, since God's law requires this. The curse or censure imposed by antichrist's disciples is not to be feared but rather is to be received with joy. The lord pope and bishops and all religious or simple clerics, with titles to perpetual possession, ought to renounce them into the hands of the secular arm. If they stubbornly refuse, they ought to be compelled to do so by the secular lords.

42. There is no greater heretic or antichrist than the cleric who teaches that it is lawful for priests and levites of the law of grace to be endowed with temporal possessions. The clerics who teach this are heretics or blasphemers if ever there were any.

43. Temporal lords not only can take away goods of fortune from a church that is habitually sinning, nor is it only lawful for them to do so, but indeed they are obliged to do so under pain of eternal damnation.

44. God does not approve that anyone be judged or condemned by civil law.

45. If an objection is made against those who oppose endowments for the church, by pointing to Benedict, Gregory and Bernard, who possessed few temporal goods in poverty, it may be said in reply that they repented at the end. If you object further that I merely pretend that these saints finally repented of their falling away from God's law in this way, then you may teach that they are saints and I will teach that they repented at the end.

46. If we ought to believe in sacred scripture and in reason, it is clear that Christ's disciples do not have the authority to exact temporal goods by means of censures, and those who attempt this are sons of Eli and of Belial.

47. Quaelibet essentia habet unum suppositum, secundum quod produ-
ducitur aliud suppositum par priori. Et ista est actio immanens perfec-
tissima possibilis naturae.

48. *Quaelibet* essentia, sive corporea sive incorporea, est communis
s tribus suppositis, et omnibus illis insunt communiter proprietates,
accidentia, et operationes.

49. Deus nihil potest annihilare, nec mundum maiorare vel minorare,
sed animas usque ad certum numerum creare*, et non ultra.

50. Impossibile est duas substantias corporeas coextendi, unam con-
i- tinue quiescentem localiter, et aliam corpus Christi⁶ quiescens continue
penetrantem.

51. Linea aliqua mathematica continua componitur ex duobus, tribus,
vel quatuor punctis immediatis, aut solum ex punctis simpliciter finitis;
vel tempus est, fuit, vel erit compositum ex instantibus immediatis. Item
is non est possibile quod tempus, et linea, si sint, taliter componantur.
(Prima pars est error in philosophia, sed ultima errat circa divinam
potentiam*¹.)

52. Imaginandum est, unam substantiam corpoream in principio suo
ductam esse ex indivisibilibus compositam, et occupare omnem locum
μ possibilem.

53. Quilibet⁶ est Deus.

54. Quaelibet creatura est Deus.

55. Ubique omne ens est, cum omne ens sit Deus.

56. Omnia, quae eveniunt, absolute necessario eveniunt.

ss 57. Infans praescitus et baptizatus necessario vivet diutius, et peccabit
in Spiritum sanctum, ratione cuius merebitur, ut perpetuo condemnetur.
Et ita nullus ignis ipsum potest comburere pro hoc tempore vel instanti.

58. Ut fidem asseram, quod⁶ omnia, quae evenient, de necessitate
evenient'. Sic Paulus praescitus non potest vere poenitere, hoc est con-
so tritione peccatum finalis impenitentiae delere, aut ipsum non habere
debere⁶.

[Sententia contra Ioannem Huss]

Sacrosanctum generale concilium Constantiense divinitus congregatum
et ecclesiam catholicam repraesentans[^], ad perpetuam rei memoriam.
Quia teste⁶ veritate, *arbor mala fructus malos*¹ facere consuevit, hinc est,
quod vir damnatae memoriae Ioannes Wideff sua mortifera doctrina non
in Christo Iesu per evangelium, ut olim sancti patres fideles⁶ filios genuere²
sed contra Christi salutarem fidem, velut radix virulenta³, plures genuit
filios pestiferos, quos sui perversi dogmatis reliquit successores. Adversus
quos haec sancta synodus Const tiensis tamquam contra spurios et

* *Sic Mti*; citare *Hardt* *b om. Mti* *c quin Mti*

d *Sic Mti*; circa dimidium potentia *Hardt* = Quodlibet *Mti* { ei add. *Mti*

8 Sacrosancta generalis Constantiensis synodus, ecclesiam catholicam repraesentans, in
Spiritu sancto legitime congregata *Atd et nomudli codd. ab Hardt recensiti* h rei add. *Atd*

¹ Mt 7,17. ¹ Cf. 1 Cor 4,15. ¹ Cf. Dt 29,18.

47. Each essence has one suppositum, following which another suppositum, equal to the first, is produced. This is the most perfect immanent action possible to nature.

48. Each essence, whether corporeal or incorporeal, is common to three supposita; and the properties, the accidents and the operations inhere in common in all of them.

49. God cannot annihilate anything, nor increase or diminish the world, but he can create souls up to a certain number, and not beyond it.

50. It is impossible for two corporeal substances to be co-extensive, the one continuously at rest in a place and the other continuously penetrating the body of Christ at rest.

51. Any continuous mathematical line is composed of two, three or four contiguous points, or of only a simply finite number of points; and time is, was and will be composed of contiguous instants. It is not possible that time and a line, if they exist, are composed of in this way. (The first part is a philosophical error, the last part is an error with regard to God's power.)

52. It must be supposed that one corporeal substance was formed at its beginning as composed of indivisibles, and that it occupies every possible place.

53. Every person is God.

54. Every creature is God.

55. Every being is everywhere, since every being is God.

56. All things that happen, happen from absolute necessity.

57. A baptised child foreknown as damned will necessarily live long enough to sin in the holy Spirit, wherefore it will merit to be condemned for ever. Thus no fire can burn the child until that time or instant.

58. I assert as a matter of faith that everything that will happen, will happen of necessity. Thus if Paul is foreknown as damned, he cannot truly repent; that is, he cannot cancel the sin of final impenitence by contrition, or be under the obligation not to have the sin.

[Sentence against John Hus]

The most holy general council of Constance, divinely assembled and representing the catholic church, for an everlasting record. Since *a bad tree* is wont to bear *badfruit*¹, as truth itself testifies, so it is that John Wyclif, of cursed memory, by his deadly teaching, like a poisonous root³, has brought forth many noxious sons, not in Christ Jesus through the gospel, as once the holy fathers brought forth faithful sons², but rather contrary to the saving faith of Christ, and he has left these sons as successors to his perverse teaching. This holy synod of Constance is compelled to act against these men as against spurious and illegiti-

¹ Mt 7, 17. ² See 1 Cor 4, 15. ³ See Dt 29, 18.

illegitimos filios cogitur insurgere, et eorum errores ab agro dominico tamquam vepres nocivas, cura pervigili et cultro auctoritatis ecclesiasticae resecare, ne ut cancer serpant in perniciem aliorum. Cum itaque in sacro generali concilio nuper Romae celebrato decretum fuerit¹, doctrinam damnatae memoriae Ioannis Wicleff damnandam esse, et libros eius s huiusmodi doctrinam continentes fore tamquam haereticos comburendos, et doctrinam ipsam damnatam et libros eius tamquam doctrinam insanam et pestiferam includentes, combustos fuisse cum effectum; et huiusmodi decretum huius⁴ sacr[?] auctoritate concilii fuerit approbatum²; nihilominus tamen quidam Ioannes Huss in hoc sacro concilio hic personaliter con- io stitutus, non Christi, sed potius Ioannis Wicleff haeresiarchae discipulus, post et contra damnationem et decretum huiusmodi ausu temerario contraveniens, errores eius plures et haereses, tam ab ecclesia Dei, quam etiam a ceteris¹ olim reverendis in Christo patribus, dominis archiepiscopis et episcopis diversorum regnorum, et magistris in theologia plurium 15 studiorum condemnatos, dogmatizavit, asseruit et praedicavit; praesertim condemnationi scholasticae ipsorum articulorum Ioannis Wicleff factae pluries in universitate Pragensi cum suis complicibus in scholis et in praedicationibus publice resistendo, ac ipsum Ioannem Wicleff virum catholicum et doctorem evangelicum, in favorem eius doctrinae, coram 20 multitudine cleri et populi declaravit: certos etiam articulos infrascriptos et plures alios, merito damnabiles, tamquam catholicos⁰ asseruit et publicavit, qui in libris ipsius Ioannis Huss et opusculis notorie continentur. Quapropter habita prius plenaria informatione de praemissis, et diligenti deliberatione reverendissimorum in Christo patrum dominorum 35 sanctae Romanae ecclesiae cardinalium, patriarcharum, archiepiscoporum, episcoporum, et ceterorum praelatorum et doctorum sacrae paginae et iuris utriusque in multitudine copiosa, haec sacrosancta synodus Constantiensis declarat et diffinit, articulos infrascriptos, qui habita collatione per plures magistros in sacra pagina, reperti fuerunt contineri in eius 80 libris et opusculis manu propria scriptis, et quos etiam idem Ioannes Huss in publica audientia coram patribus et praelatis huius sacri concilii confessus fuit in suis libris et opusculis contineri, non esse catholicos, nec tamquam tales esse dogmatizandos, sed ex eis plures esse erroneos, alios scandalosos, aliquos piarum aurium offensivos, pluresque eorum esse 35 temerarios et seditiosos, et nonnullos eorumdem esse notorie haereticos, et iam dudum a sanctis patribus et generalibus conciliis reprobatos et damnatos, ipsosque praedicare, dogmatizare, aut quomodolibet approbare districte inhibendo. Sed cum infrascripti articuli expresse continentur in libris, seu tractatibus suis, videlicet in libro quem intitulavit 40 *De ecclesia* et aliis suis opusculis, ideo libros praedictos et doctrinam suam, et singulos alios tractatus et opuscula in latino sive vulgari Bohemico per ipsum editos, aut in quocumque alio idiomate per alium, vel

a om. Asd b certis Asd c esse add. Asd

1 Anno 1412 celebrato (Msi 27, 505-508). 1 Sess. VIII (v. supra pp. 411-416).

mate sons, and to cut away their errors from the Lord's field as if they were harmful briars, by means of vigilant care and the knife of ecclesiastical authority, lest they spread as a cancer to destroy others. Although, therefore, it was decreed at the sacred general council recently held at Rome¹ that the teaching of John Wyclif, of cursed memory, should be condemned and the books of his containing this teaching should be burnt as heretical; although his teaching was in fact condemned and his books burnt as containing false and dangerous doctrine; and although a decree of this kind was approved by the authority of this present sacred council²; nevertheless a certain John Hus, here present in person at this sacred council, who is a disciple not of Christ but rather of the heresiarch John Wyclif, boldly and rashly contravening the condemnation and the decree after their enactment, has taught, asserted and preached many errors and heresies of John Wyclif which have been condemned both by God's church and by other reverend fathers in Christ, lord archbishops and bishops of various kingdoms, and masters in theology at many places of study. He has done this especially by publicly resisting in the schools and in sermons, together with his accomplices, the condemnation in scholastic form of the said articles of John Wyclif which has been made many times at the university of Prague, and he has declared the said John Wyclif to be a catholic man and an evangelical doctor, thus supporting his teaching, before a multitude of clergy and people. He has asserted and published certain articles listed below and many others, which are condemned and which are, as is well known, contained in the books and pamphlets of the said John Hus. Full information has been obtained about the aforesaid matters, and there has been careful deliberation by the most reverend fathers in Christ, lord cardinals of the holy Roman church, patriarchs, archbishops, bishops and other prelates and doctors of holy scripture and of both laws, in large numbers. This most holy synod of Constance therefore declares and defines that the articles listed below, which have been found on examination, by many masters in sacred scripture, to be contained in his books and pamphlets written in his own hand, and which the same John Hus at a public hearing, before the fathers and prelates of this sacred council, has confessed to be contained in his books and pamphlets, are not catholic and should not be taught to be such but rather many of them are erroneous, others scandalous, others offensive to the ears of the devout, many of them are rash and seditious, and some of them are notoriously heretical and have long ago been rejected and condemned by holy fathers and by general councils, and it strictly forbids them to be preached, taught or in any way approved. Moreover, since the articles listed below are explicitly contained in his books or treatises, namely in the book entitled *De ecclesia* and in his other pamphlets, this most holy synod therefore reproves and condemns the aforesaid books and his teaching, as well as the other treatises and pamphlets written by him in Latin or in Czech, or translated by one

¹ Held in 1412 (Msi 27, 505-508).

² Session 8 (see above, pp. 411-416).

alios, translatos, haec sacrosancta synodus reprobat atque damnat, ipsos comburendos publice et solemniter in praesentia cleri et populi in civitate Constantiensi et alibi, decernit et definit: adiiciens propter praemissa omnem eius doctrinam merito esse et fore suspectam de fide, et ab omnibus Christi fidelibus evitandam. Et ut de medio ecclesiae illa pernicio-
s na doctrina eliminetur, haec sancta synodus prorsus iubet per locorum ordinarios tractatus et opuscula huiusmodi per censuram ecclesiasticam, etiam, si sit opus, cum adiectione poenae et fautoriae haereseos, diligenter inquiri, et repertos ignibus publice concremari. Si quis autem
jo huius sententiae ac decreti violator aut contemptor exstiterit, statuit eadem sancta synodus, per locorum ordinarios et inquisitores haereticae pravitatis, contra talem vel tales, veluti suspectum vel suspectos de haeresi procedendum.

[Sententia contra I. Huss, sacris exeundum]

is Visis insuper actis et actitatis in causa inquisitionis de et super haeresi contra praedictum Ioannem Huss habitis et factis, et habita prius fidei et plenaria commissariorum in huiusmodi causa deputatorum relatione, aliorumque magistrorum in theologia, et iuris utriusque doctorum, in, de, et super actis, actitatis et dictis testium fide dignorum et plurimorum,
m quae dicta ipsi Ioannis Huss palam et publice lecta fuerunt* coram patribus et praelatis huius sacri concilii, per quorum testium dicta apertissime constat, eundem Ioannem multa mala, scandalosa et seditiosa, et periculosas haereses dogmatizasse et publice per multa annorum curricula praedicasse: Christi nomine invocato haec sacrosancta synodus Constantien-
25 sis, solum Deum prae oculis habens, per hanc definitivam sententiam, quam profert in his scriptis, pronuntiat, decernit et declarat, dictum Ioannem Huss fuisse et esse verum et manifestum haereticum, ipsumque *errores et* haereses ab ecclesia Dei dudum damnatos etb damnatasb, ac plurima scandalosa0, piarum aurium offensiva, temeraria et seditiosa dogmatizasse,
m et publice praedicasse, in non modicam offensam divinae Maiestatis, ac universalis ecclesiae scandalum, et fidei catholicae detrimentum, claves etiam ecclesiae et censuras ecclesiasticas vilipendisse; in quibus per annos multos perstitit, animo indurato, Christi fideles per suam pertinaciam nimium scandalizans, cum appellationem ad dominum nostrum Iesum
35 Christum, tamquam ad supremum iudicem, omissis ecclesiasticis mediis interposuerit, in qua multa falsa et iniuriosa posuit et scandalosa, ipsius sedis apostolicae, censurarum ecclesiasticarum et clavium in contemptum. Idcirco propter praemissa et alia plura, praefatum Ioannem Huss haereticum fuissed, haec sancta synodus pronuntiat, et tamquam haereticum
40 iudicandum et condemnandum fore iudicat et condemnat per praesentes: dictamque appellationem tamquam iniuriosam et scandalosam et illusoriam jurisdictioni ecclesiasticae reprobando, ipsumque Ioannem Huss populum christianum, maxime in regno Bohemiae, in praedicationibus suis publicis et scripturis per eum compilatis seduxisse, ac eiusdem populi

45 » sunt *Aid* b *om. Aid* c *Sif Atd*; scandala *Hardt* d et esse *add. Aid*

or more other persons into any other language, and it decrees and determines that they should be publicly and solemnly burnt in the presence of the clergy and people in the city of Constance and elsewhere. On account of the above, moreover, all his teaching is and shall be deservedly suspect regarding the faith and is to be avoided by all of Christ's faithful. In order that this pernicious teaching may be eliminated from the midst of the church, this holy synod also orders that local ordinaries make careful inquiry about treatises and pamphlets of this kind, using the church's censures and even if necessary the punishment due for supporting heresy, and that they be publicly burnt when they have been found. This same holy synod decrees that local ordinaries and inquisitors of heresy are to proceed against any who violate or defy this sentence and decree as if they were persons suspected of heresy.

[Sentence of degradation against J. Hus]

Moreover, the acts and deliberations of the inquiry into heresy against the aforesaid John Hus have been examined. There was first a faithful and full account made by the commissioners deputed for the case and by other masters of theology and doctors of both laws, concerning the acts and deliberations and the depositions of very many trustworthy witnesses. These depositions were openly and publicly read out to the said John Hus before the fathers and prelates of this sacred council. It is very clearly established from the depositions of these witnesses that the said John has taught many evil, scandalous and seditious things, and dangerous heresies, and has publicly preached them during many years. This most holy synod of Constance, invoking Christ's name and having God alone before its eyes, therefore pronounces, decrees and defines by this definitive sentence, which is here written down, that the said John Hus was and is a true and manifest heretic and has taught and publicly preached, to the great offence of the divine Majesty, to the scandal of the universal church and to the detriment of the catholic faith, errors and heresies that have long ago been condemned by God's church and many things that are scandalous, offensive to the ears of the devout, rash and seditious, and that he has even despised the keys of the church and ecclesiastical censures. He has persisted in these things for many years with a hardened heart. He has greatly scandalised Christ's faithful by his obstinacy since, bypassing the church's intermediaries, he has made appeal directly to our lord Jesus Christ, as to the supreme judge, in which he has introduced many false, harmful and scandalous things to the contempt of the apostolic see, ecclesiastical censures and the keys. This holy synod therefore pronounces the said John Hus, on account of the aforesaid and many other matters, to have been a heretic and it judges him to be considered and condemned as a heretic, and it hereby condemns him. It rejects the said appeal of his as harmful and scandalous and offensive to the church's jurisdiction. It declares that the said John Hus seduced the Christian people, especially in the kingdom of Bohemia, in his public sermons and in his writings; and that he -was not a true

chrisuani non veracem praedictorem evangelii Christi secundum expositionem sanctorum doctorum, sed fuisse verius seductorem. Verum quia per ea quae haec sacrosancta synodus vidit et audivit cognovit eundem loannem Huss pertinacem et incorrigibilem, et adeo talem*, quod non cupiebat ad gremium sanctae matris ecclesiae redire, neque haereses et errores per eum publice defensatos et praedicatos velle abiurare; idcirco haec sancta synodus Constantiensisb eundem loannem Huss ab ordine sacerdotali, et aliis ordinibus, quibus existit insignitus, deponendum et degradandum fore declarat et decernit: committens nihilominus reverendis in Christo patribus archiepiscopo Mediolanensi, i0 Feltrensi, Astensi, Alexandrino, Bangorensi et Vaurensi episcopis, ut in praesentia huius sacrosanctae synodi dictam degradationem, secundum quod ordo iuris requirit debite exsequantur.

[Sententia condemnationis I. Huss ad rogum]

Haec sancta synodus Constantiensis loannem Huss, attento, quod ecclesia Dei non habet ultra quod agere valeat, iudicio saeculari relinquit, et ipsum curiae saeculari reliquendum fore decernit. 15

[Articuli damnati I. Huss]

1. Unica est sancta universalis ecclesia, quae est praedestinatorum universitas. Et infra sequitur: universalis sancta ecclesia tantum est una, 20 sicut tantum unus est numerus omnium praedestinatorum.

2. Paulus numquam fuit membrum diaboli, licet fecerit quosdam actus actibus ecclesiae malignantium consimiles.

3. Praesciti non sunt partes ecclesiae, cum nulla pars eius ab ea finaliter excidat, eo quod praedestinationis charitas, quae ipsam ligat, non excidit. 25

4. Duae naturae, divinitas et humanitas, sunt unus Christus.

5. Praescitus etsi aliquisc sit in gratia secundum praesentem iustitiam tamen numquam est pars sanctae ecclesiae: et praedestinatus semper manet membrum ecclesiae, licet aliquando excidat a gratia adventitia, sed non a gratia praedestinationis. 30

6. Sumendo ecclesiam pro convocatione praedestinatorum, sive sit*1 in gratia, sive non secundum praesentem iustitiam, isto modo ecclesia est articulus fidei.

7. Petrus non fuit nec est caput sanctae ecclesiae catholicae.

8. Sacerdotes quomodolibet criminosae viventes, sacerdotii polluunt 35 potestatem et sicut filii infideles sentiunt infideliter de septem sacramentis ecclesiae, de clavibus, officiis, censuris, moribus, caeremoniis, et sacris rebus ecclesiae, veneratione reliquiarum, indulgentiis, et ordinibus.

9. Papalis dignitas a Caesare inolevit, et papae praefectio et institutio a Caesaris potentia emanavit. 40

a taliter *Asd* b hoc sacrum concilium Constantiense *Asd*

c aliquando *Asd* d *Sic rtdius Asd*; fuit *Hardt*

preacher of Christ's gospel to the same Christian people, according to the exposition of the holy doctors, but rather was a seducer. Since this most holy synod has learnt from what it has seen and heard, that the said John Hus is obstinate and incorrigible and as such does not desire to return to the bosom of holy mother the church, and is unwilling to abjure the heresies and errors which he has publicly defended and preached, this holy synod of Constance therefore declares and decrees that the same John Hus is to be deposed and degraded from the order of the priesthood and from the other orders held by him. It charges the reverend fathers in Christ, the archbishop of Milan and the bishops of Feltre, Asti, Alessandria, Bangor and Lavour with duly carrying out the degradation in the presence of this most holy synod, in accordance with the procedure required by law.

[Sentence condemning J. Hus to the stake]

This holy synod of Constance, seeing that God's church has nothing more that it can do, relinquishes John Hus to the judgment of the secular authority and decrees that he is to be relinquished to the secular court.

[Condemned articles of J. Hus]

1. There is only one holy universal church, which is the total number of those predestined to salvation. It therefore follows that the universal holy church is only one, inasmuch as there is only one number of all those who are predestined to salvation.

2. Paul was never a member of the devil, even though he did certain acts which are similar to the acts of the church's enemies.

3. Those foreknown as damned are not parts of the church, for no part of the church can finally fall away from it, since the predestinating love that binds the church together does not fail.

4. The two natures, the divinity and the humanity, are one Christ.

5. A person foreknown to damnation is never part of the holy church, even if he is in a state of grace according to present justice; a person predestined to salvation always remains a member of the church, even though he may fall away for a time from adventitious grace, for he keeps the grace of predestination.

6. The church is an article of faith in the following sense: to regard it as the convocation of those predestined to salvation, whether or not it be in a state of grace according to present justice.

7. Peter neither was nor is the head of the holy catholic church.

8. Priests who live in vice in any way pollute the power of the priesthood, and like unfaithful sons are untrustworthy in their thinking about the church's seven sacraments, about the keys, offices, censures, customs, ceremonies and sacred things of the church, about the veneration of relics, and about indulgences and orders.

9. The papal dignity originated with the emperor, and the primacy and institution of the pope emanated from imperial power.

10. Nullus sine revelatione assereret rationabiliter de se, vel de alio, quod esset caput ecclesiae particularis sanctae: nec Romanus pontifex est caput Romanae ecclesiae.

11. Non oportet credere, quod iste quicumque particularis* Romanus pontifex, sit caput cuiuscumque particularis ecclesiae sanctae, nisi Deus cum praedestinaverit.

12. Nemo gerit vicem Christi, vel Petri, nisi sequatur eum in moribus; cum nulla alia sequela sit pertinentior, nec aliter recipiat a Deo procuratoriam potestatem: quia ad illud officium vicarii requiritur et morum conformitas, et instituentis auctoritas.

13. Papa non est manifestus et verus successor principis apostolorum, Petri, si vivit moribus contrariis Petro: et si quaerit avaritiam, tunc est vicarius Iudae Iscarioth. Et pari evidentia cardinales non sunt manifesti et veri successores collegii aliorum apostolorum Christi, nisi vixerint in more apostolorum, servantes mandata et consilia domini nostri Iesu Christi.

14. Doctores ponentes quod aliquis per censuram ecclesiasticam emendandus, si corrigi noluerit, saeculari iudicio est tradendus, pro certo sequuntur in hoc pontifices, scribas et phariseos, qui Christum nolentem eis oboedire in omnibus, dicentes, *Nobis non licet interficere quemquam*¹, ipsum saeculari iudicio tradiderunt, eo quod tales sunt homicidae graviores quam Pilatus.

15. Oboedientia ecclesiastica est oboedientia secundum adinventionem sacerdotum ecclesiae, praeter expressam auctoritatem scripturae.

16. Divisio immediata humanorum operum est, quod sint vel virtuosa, vel vitiosa: quia si homo est vitiosus, et agit quicquam, tunc agit vitiose; et si est virtuosus, et agit quicquam, tunc agit virtuose⁰. Quia sicut vitium, quod crimen dicitur, sive mortale peccatum, inficit universaliter actus hominis vitiosus, sic virtus vivificat omnes actus hominis virtuosi.

17. Sacerdos Christi vivens secundum legem eius, et habens scripturae notitiam, et affectum ad aedificandum populum, debet praedicare, non obstante praetensa excommunicatione. Et infra: quod si papa vel aliquis praepositus mandet sacerdoti sic disposito non praedicare, non debet subditus oboedire.

18. Quilibet praedicantis officium de mandato accipit, qui ad sacerdotium accedit: et illud mandatum debet exsequi, praetensa excommunicatione non obstante.

19. Per censuras ecclesiasticas excommunicationis, suspensionis et interdicti, ad suam exaltationem clerus populum laicalem sibi suppeditat, avaritiam multiplicat, malitiam protegit, et viam praeparat antichristo.

« om. Asd b Sic rectius Asd; voluerit Hardt

c Msiplura verba omittit sensum articuli deformans: quia si homo est vitiosus, et agat quidquam, tunc agit virtuose; Asd. om.: et si est virtuosus . . . virtuose

d om. Asd; Hardt habet virtuosus, quem errorem alio in loco corrigit (cf. Hardt 4, 1526)

¹ Io 18,31.

10. Nobody would reasonably assert of himself or of another, without revelation, that he was the head of a particular holy church; nor is the Roman pontiff the head of the Roman church.

11. It is not necessary to believe that any particular Roman pontiff is the head of any particular holy church, unless God has predestined him to salvation.

12. Nobody holds the place of Christ or of Peter unless he follows his way of life, since there is no other discipleship that is more appropriate nor is there another way to receive delegated power from God, since there is required for this office of vicar a similar way of life as well as the authority of the one instituting.

13. The pope is not the manifest and true successor of the prince of the apostles, Peter, if he lives in a way contrary to Peter's. If he seeks avarice, he is the vicar of Judas Iscariot. Likewise, cardinals are not the manifest and true successors of the college of Christ's other apostles unless they live after the manner of the apostles, keeping the commandments and counsels of our lord Jesus Christ.

14. Doctors who state that anybody subjected to ecclesiastical censure, if he refuses to be corrected, should be handed over to the judgment of the secular authority, are undoubtedly following in this the chief priests, the scribes and the pharisees who handed over to the secular authority Christ himself, since he was unwilling to obey them in all things, saying, *It is not lawful for us to put any man to death*, these gave him to the civil judge, so that such men are even greater murderers than Pilate.

15. Ecclesiastical obedience was invented by the church's priests, without the express authority of scripture.

16. The immediate division of human actions is between those that are virtuous and those that are wicked. Therefore, if a man is wicked and does something, he acts wickedly; if he is virtuous and does something, he acts virtuously. For just as wickedness, which is called crime or mortal sin, infects all the acts of a wicked man, so virtue gives life to all the acts of a virtuous man.

17. A priest of Christ who lives according to his law, knows scripture and has a desire to edify the people, ought to preach, notwithstanding a pretended excommunication. And further on: if the pope or any superior orders a priest so disposed not to preach, the subordinate ought not to obey.

18. Whoever enters the priesthood receives a binding duty to preach; and this mandate ought to be carried out, notwithstanding a pretended excommunication.

19. By the church's censures of excommunication, suspension and interdict the clergy subdue the laity, for the sake of their own exaltation, multiply avarice, protect wickedness and prepare the way for antichrist. The clear sign of this is

¹ Jn 18, 31.

Signum autem evidens est, quod ab antichristo tales procedant censurae, quas vocant in suis processibus fulminationes, quibus clerus principalissime procedit contra illos qui denudant nequitiam antichristi, quam clerus pro se maxime usurpavit.

20. Si papa est malus, et praesertim si est praescitus, tunc ut ludas apostolus est diabolus, fur et filius perditionis¹, et non est caput sanctae militantis ecclesiae cum nec sit membrum eius.

21. Gratia praedestinationis est vinculum, quo corpus ecclesiae et quodlibet eius membrum iungitur ipso capiti insolubiliter.

22. Papa, vel praelatus malus et praescitus, est aequivoce pastor, et io vere fur et latro⁸.

23. Papa non debet dici sanctissimus etiam secundum officium, quia alias rex etiam deberet dici sanctissimus secundum officium, et tortores et praecones dicerentur sancti: immo etiam diabolus deberet vocari sanctus, cum sit officarius Dei. is

24. Si papa vivit contrarie Christo, etiamsi ascenderet per ritam et legitimam electionem secundum constitutionem humanam vulgatam, tamen aliunde ascenderet, quam per Christum, dato etiam quod intraret per electionem a Deo principaliter factam. Nam ludas Iscarioth rite et legitime est electus a Deo Iesu Christo ad apostolat¹, et tamen *ascendit* 20 *aliunde in ovile ovium*³.

25. Condemnatio quadragintaquinque articulorum Ioannis Wicleff per doctores facta est irrationabilis et iniqua, et male facta, et ficta est causa per eos allegata, videlicet quod^b nullus ex eis sit catholicus, sed quilibet eorum aut est haereticus, aut erroneus, aut scandalosus. 25

26. Non eo ipso quo electores, vel maior pars eorum consenserunt viva voce secundum ritus hominum in personam aliquam, eo ipso illa persona est legitime electa, vel quod eo ipso est verus et manifestus successor vel vicarius Petri apostoli, vel alterius apostoli in officio ecclesiastico. Unde sive electores bene vel male elegerunt, operibus electi 30 debemus credere. Nam eo ipso, quo quis copiosius operatur meritorie ad profectum ecclesiae habet a Deo ad hoc copiosius potestatem.

27. Non est scintilla apparentiae, quod oporteat esse unum caput in spiritualibus regens ecclesiam, quod semper cum ipsa militante ecclesia conversetur⁰. 35

28. Christus sine talibus monstruosis capitibus, per suos veraces discipulos, sparsos per orbem terrarum, melius suam ecclesiam regularet.

29. Apostoli et fideles sacerdotes Domini strenue in necessariis ad salutem regularunt ecclesiam, antequam papae officium foret introductum: sic facerent, deficientem per summe possibile papa, usque ad diem iudicii. 40

30. Nullus est dominus civilis, nullus est praelatus, nullus est episcopus, dum est in peccato mortali.

» *Sic Asd*; episcopatum *Hardt* b ex eo quod *Ajd*

« conservetur *Aid* d *Sic rtctiui Asd*; sic fecerunt deficientem *Hardt*

¹ Cf. Io 17,12. ¹ Cf. Io 10, 8. » Io 10,1.

the fact that these censures come from antichrist. In the legal proceedings of the clergy they are called fulminations, which are the principal means whereby the clergy proceed against those who uncover antichrist's wickedness, which the clergy has for the most part usurped for itself.

20. If the pope is wicked, and especially if he is foreknown to damnation, then he is a devil like Judas the apostle, a thief and a son of perdition¹ and is not the head of the holy church militant since he is not even a member of it.

21. The grace of predestination is the bond whereby the body of the church and each of its members is indissolubly joined with the head.

22. The pope or a prelate who is wicked and foreknown to damnation is a pastor only in an equivocal sense, and truly is a thief and a robber².

23. The pope ought not to be called "most holy" even by reason of his office, for otherwise even a king ought to be called "most holy" by reason of his office and executioners and heralds ought to be called "holy"; indeed even the devil would be called "holy" since he is an official of God.

24. If a pope lives contrary to Christ, even if he has risen through a right and legitimate election according to the established human constitution, he would have risen by a way other than through Christ, even granted that he entered upon office by an election that had been made principally by God. For, Judas Iscariot was rightly and legitimately elected to be an apostle by Jesus Christ who is God, yet *he climbed into the sheepfold by another way**.

25. The condemnation of the forty-five articles of John Wyclif, decreed by the doctors, is irrational and unjust and badly done and the reason alleged by them is feigned, namely that none of them is catholic but each one is either heretical or erroneous or scandalous.

26. The viva voce agreement upon some person, made according to human custom by the electors or by the greater part of them, does not mean by itself that the person has been legitimately elected or that by this very fact he is the true and manifest successor or vicar of the apostle Peter or of another apostle in an ecclesiastical office. For, it is to the works of the one elected that we should look, irrespective of whether the manner of the election was good or bad. For, the more plentifully a person acts meritoriously towards building up the church, the more copiously does he thereby have power from God for this.

27. There is not the least proof that there must be one head ruling the church in spiritual matters who always lives with the church militant.

28. Christ would govern his church better by his true disciples scattered throughout the world, without these monstrous heads.

29. The apostles and faithful priests of the Lord strenuously governed the church in matters necessary for salvation before the office of pope was introduced, and they would continue to do this until the day of judgment if — which is very possible — there is no pope.

30. Nobody is a civil lord, a prelate or a bishop while he is in mortal sin.

¹ See Jn 17, 12.

² See Jn 10, 8.

J Jn 10, 1.

[Sententia condemnationis illius propositionis Ioannis Parvi;
„Quilibet tyrannus^{4*}]

Praecipua sollicitudine volens haec sacrosancta synodus ad extirpationem errorum et haeresium in diversis mundi partibus invalescentium
5 procedere³, sicut tenetur, et ad hoc collecta est, nuper accepit, quod nonnullae assertiones erroneae in fide et bonis moribus, ac multipliciter scandalosae, totiusque reipublicae statum et ordinem subvertere molientes, dogmatizatae sunt, inter quas haec assertio delata est: *Quilibet tyrannus potest et debet licite et meritorie occidi per quemcumque vassallum suum vel sub-*
10 *ditum, etiam per insidias, et blanditias vel adulationes, non obstante quocumque praestito¹⁰ iuramento, seu confoederatione facta cum eo, non expectata sententia vel mandato iudicis cuiuscumque.*

Adversus hunc errorem satagens haec sancta synodus insurgere, et ipsum funditus tollere, praehabita deliberatione matura, declarat, decernit et definit huiusmodi doctrinam erroneam esse in fide et in moribus,
is ipsamque tamquam haeticamb, scandalosam, seditiosamb et ad fraudes, deceptiones, mendacia, proditiones, periuria vias dantem, reprobatur et condemnat. Declaratur insuper, decernitur et definit, quod pertinaciter doctrinam hanc perniciosissimam asserentes, sunt haeretici, et tamquam tales,
20 iuxta canonicas et^b 4egitimas^b sanctiones puniendi.¹

SESSIO XVI

11 iul. 1415

[Deliberatum est de concilii legatis cum caesare Sigismundo in Hispaniam abituris; minores deliberationes statuuntur ad concilii negotia tractanda.]

SESSIO XVII

15 iul. 1415

[Actum est de imperatoris e concilio iam imminente discessu; pro cuius
as successu concilium vou concepit.]

SESSIO XVIII

17 aug. 1415

[Decretum est de rebus variis in concilio instruendis: *datur potestas iudicibus definiendi et causas per duos cognoscendi; quod adhibeatur fides bullis concilii; quod committentes falsum circa bullam concilii puniantur sicut falsarii*

» providere *Asd* b *ont. Aid* « factis *Aid*

¹ In hac sessione constituta sunt etiam aliqua ad ordinandos et protegendos concilii labores: *Decretum silentii; Constitutio concilii contra invasores seu spoliantes accedentes et recedentes de concilio.*

[Sentence condemning John Petit's proposition, "Any tyrant"]

This most holy synod wishes to proceed with special care to the eradication of errors and heresies which are growing in various parts of the world, as is its duty and the purpose for which it has assembled. It Has recently learnt that various propositions have been taught that are erroneous both in the faith and as regards good morals, are scandalous in many ways and threaten to subvert the constitution and order of every state. Among these propositions this one has been reported: *Any tyrant can and ought to be killed, licitly and meritoriously, by any of his vassals or subjects, even by means of plots and blandishments or flattery, notwithstanding any oath taken, or treaty made with the tyrant, and without waiting for a sentence or a command from any judge.*

This holy synod, wishing to oppose this error and to eradicate it completely, declares, decrees and defines, after mature deliberation, that this doctrine is erroneous in the faith and with regard to morals, and it rejects and condemns the doctrine as heretical, scandalous and seditious and as leading the way through perjury to frauds, deceptions, lies and betrayals. It declares, decrees and defines, moreover, that those who stubbornly assert this very pernicious doctrine are heretics and are to be punished as such according to canonical and legitimate sanctions.¹

SESSION 16

11 July 1415

[Deliberation about the council's legates due to depart with the emperor Sigismund for Spain; minor deliberations about the conduct of the council's business.]

SESSION 17

15 July 1415

[The emperor's imminent departure from the council is treated of; the council offers prayers for his success.]

SESSION 18

17 August 1415

[Decrees about various matters to be decided by the council: *power is given to judges to make decisions, and for pairs of them to hear cases; that bulls of the council are to be obeyed; that forgers of conciliar bulls are to be punished in the same way as forgers of apostolic letters; that letters are to be despatched regarding*

¹ In this session various matters were also agreed upon concerning the ordering and protecting of the council's work: *Decree on silence; Constitution of the council against those who plunder or despoil persons coming to or returning from the council.*

*litterarum apostolicarum; quad litterae expediantur super gratiis per olim papam loannem concessis, exceptis expectatives et exorbitantibus; deputantter ambas-
tatores ad Italiam.]*

SESSIO XIX

23 sept. 1415

[Hieronymus de Praga denuo publice et solemnus fidem suam abiuravit. In hac sessione promulgata est *Ordinatio interfratres Minores de stricta observantia et alios de communi vita* ad finem imponendum discordiis in aliquot provinciis exortis; alia *ordinatio in qua committuntur causae haeresium certis indicibus*. Decretum est etiam *quod non obstantibus salvis conductibus imperatorum, regum, etc. possit per indicem competentem de haeretica pravitate inquiri; quod dominus vicecancellarius expediat constitutionem Carolinam¹ sub bulla concilii; quod bñeficiait, in concilio praesentes, recipiant fructus beneficiorum suorum in absentia; quod litterae super provisione ad patriarchales, metropolitanas et alias ecclesias, per olim loannem papam usque ad suspensionem concessas, expediantur.]*

SESSIO XX

21 nov. 1415

[Decretum est monitorium contra ducem Austriae pro episcopo Tridentino.]

SESSIO XXI

30 maii 1416

[Sententia qua condemnatus Hieronymus Pragensis]

In nomine Domini. Amen. Christus Deus et salvator noster, vitis vera¹, cuius Pater agricola est, discipulos ceterosque fideles suos in illis instituens, inquit: *Si quis in me non manserit, mittetur foras sicut palme, et arescet*². Cuius summi doctoris et magistri doctrinam sequens, et praecepta exsequens haec sancta synodus Constantiensis in causa inquisitionis haereticae pravitatis per eandem sanctam synodum mota, fama publica referente, et clamorosa insinuatione ministrante, contra magistrum Hieronymum dictum de Praga, magistrum in artibus, laicum, ex cuius causae actis et processibus constat eundem Hieronymum tenuisse, asseruisse et dogmatizasse nonnullos articulos haereticos et erroneos, dudum a sanctis patribus reprobatos, quosdam vero blasphemos, alios scandalosos, alios piarum aurium offensivos, temerarios et seditiosos, dudum per damnatae memoriae viros loannem Wicleff et loannem Huss assertos, praedicatos

¹ matura *Asd* ² monstrante *Asd*

¹ *Constitutio Carolina* de libertate ecclesiastica, a Carolo IV imperatore anno 1377 promulgata edita est ab Hardt in actis (4, 523-525). Super confirmatione in hac sessione deliberata et postea promulgata cf. Hardt 4, 562-583. ¹ Io 15, 6.

the graces granted by the former pope John, except expectative and exceptional graces; ambassadors to Italy are appointed.]

SESSION 19

23 September 1415

[Jerome of Prague finally abjures his faith publicly and solemnly. There is promulgated at this session an *Ordinance between the friars Minor of the strict observance and others of the common life*, to put an end to the discords which have arisen in certain provinces; another *Ordinance by which cases of heresy are committed to certain judges*. It is also decreed that, *notwithstanding safe-conducts of emperors and kings and others, a competent judge can inquire into heresy; that the lord vice-chancellor shall expedite the Caroline constitution¹ under a bull of the council; that those with benefices who are attending the council shall receive the fruits of their benefices in their absence; that the letters regarding provisions to patriarchal, metropolitan and other churches, which were granted by the former pope John before his suspension, shall be despatched.]*

SESSION 20

21 November 1415

[A warning is decreed against the duke of Austria, on behalf of the bishop of Trent.]

SESSION 21

30 May 1416

[Sentence condemning Jerome of Prague]

In the name of the Lord, Amen. Christ our God and saviour, the true vine, whose Father is the vine-dresser, said when teaching his disciples and other followers in these matters: *If anyone does not abide in me, he shall be cast forth as a branch and shall wither*². This holy synod of Constance is following the teaching and carrying out the commands of this sovereign teacher and master in this case of inquiry into heresy which was started by the same holy synod. It notes the public talk and loud outcry against the said master Jerome of Prague, master of arts, layman. From the acts and proceedings of the case it is evident that the said Jerome has held, asserted and taught various heretical and erroneous articles, which were long ago condemned by holy fathers, some of which are blasphemous, others scandalous and others offensive to the ears of the devout as well as rash and seditious. They were long ago asserted, preached and taught by John Wyclif and John Hus, of cursed memory, and were included in

¹ *The Caroline Constitution* on ecclesiastical liberty, promulgated by the emperor Charles IV in 1377, was published by Hardt among the acts of the council (4, 523-525). On the confirmation discussed at this session and afterwards promulgated, see Hardt 4, 562-583.

² John 15, 6.

et dogmatizatos, ac in nonnullis eorum libris et opusculis insertos. Qui-
 que articuli, doctrina et libri praefatorum Ioannis Wicleff et Ioannis Huss
 ac Wicleff memoria, denique Hussib persona, per eandem sanctam syno-
 dum et eius sententiam de haeresi condemnati et damnatae fuerunt. Quam-
 5 que damnationis sententiam idem Hieronymus postmodum, pendente
 huius inquisitionis causa, in eadem sancta synodo cognoscens et profitens
 veram, catholicam et apostolicam fidem, approbavit, et eidem consensit:
 anathematizavitque omnem haeresim, praecipue eam, de qua erat infamatus,
 et se confitebatur infamatum, et quam praeteritis temporibus
 10 dogmatizaverunt et tenuerunt Ioannes Wicleff et Joannes Huss in suis
 opusculis, sermonibus et libellis: et propter quam seu quas dicti Wicleff
 et Huss, cum suis dogmatibus et erroribus ab eadem sancta synodo dam-
 nati fuerant tamquam haeretici, et eorum doctrina similiter damnata;
 praemissorumque omnem damnationem professus est¹, et iuravit se in
 15 hac fidei veritate permansurum, et si ipse aliquando¹ quicquam contra
 sentire, vel praedicare praesumpserit, canonum severitati subiacere, et
 aeternae poenae voluit obligari. Illamque suam¹ professionem manu sua
 conscriptam eidem sanctae synodo obtulit atque dedit. Post quas pro-
 fessionem et abiurationem, multis transactis diebus, sicut canis ad vomitum
 rediens¹, ut virus pestilentissimum quod in suo latebat pectore,
 publice evomeret, audientiam publicam sibi dari in eadem sancta synodo
 postulavit. Qua sibi concessa, in eadem synodo publice congregata
 asseruit, dixit et professus est in effectum, quod praefatae sententiae damna-
 tionis dictorum Wicleff et Ioannis Huss inique consenserat, et illam
 sententiam approbando mentitus fuerat. Nec verebatur se confiteri men-
 titum: quin immo confessionem, approbationem, et professionem suas
 super illorum damnatione revocabat nunc et in aeternum: asserens se in
 libris dictorum Wicleff et Ioannis Huss nullam umquam haeresim vel
 errorem legisse, licet ante sententiam fuerit professus², et probatum sit
 30 evidenter, ipsum libros eorum diligenter studuisse, legisse et dogmati-
 zasse, et in quibus constat plures errores et haereses contineri. Verum
 idem Hieronymus de sacramento altaris et transubstantiatione panis in
 corpus Christi¹ professus est se tenere et credere, quod ecclesia credit¹ et
 tenet; dicens, se plus credere Augustino et ceteris ecclesiae doctoribus,
 quam Wicleff et Huss. Constat insuper ex praemissis, eundem Hierony-
 mum praedictis Wicleff et Huss damnatis, et eorum erroribus adhaerere,
 iliorumque fautorem fuisse et esse: propter quae eadem sancta synodus
 eundem Hieronymum palmitem putridum, aridum, in vite non manen-
 tem, foras mittendum² decrevit¹ et¹ decernit: ipsumque haeticum, et
 40 in haeresim relapsum, excommunicatum, anathematizatum pronunciat,
 declarat, et damnat.

» ow. *Aid* b dictique Ioannis Huss *Aid* c dicti ... et Huss *om. Atd*
 d omnium *Aid* « Nec non suam *Aid* f licet ante fuerit confessus *Aid*

¹ Cf. Pro 26,11 ; 2 Pt 2,22. « Cf. Io 15,6.

various of their books and pamphlets. These articles, doctrines and books of the aforesaid John Wyclif and John Hus, as well as the memory of Wyclif, and finally the person of Hus, were condemned and damned by this same holy synod and its sentence of heresy. The said Jerome later, during the course of this inquiry, in this holy synod, approved and consented to this sentence of condemnation and acknowledged and professed the true, catholic and apostolic faith. He anathematised all heresy, especially that for which he had been defamed — and he confessed himself defamed — and which John Wyclif and John Hus had taught and held in the past in their works, sermons and pamphlets, and on account of which the said Wyclif and Hus, together with their dogmas and errors, had been condemned as heretical by this same holy synod, and their teaching likewise condemned. He professed acceptance of every condemnation of the aforesaid things and swore that he would remain in the truth of the faith, and that if he ever dared to think or preach anything to the contrary then he wished to submit to the severity of canon law and to be bound to eternal punishment. He offered and gave this profession of his, written in his own hand, to this holy synod. Many days after his profession and abjuration, however, like a dog returning to its vomit, he asked for a public hearing to be granted to him in this same holy synod, in order that he might vomit forth in public the deadly poison which lay hidden within his breast. The hearing was granted to him and he asserted, said and professed in effect, at a public assembly of the same synod, that he had wrongly consented to the aforesaid sentence condemning the said Wyclif and John Hus and that he had lied in approving the sentence. He did not fear to state that he had lied. Indeed, he revoked now and for eternity his confession, approval and profession regarding the condemnation of the two men. He asserted that he had never read any heresy or error in the books of the said Wyclif and John Hus, even though it was clearly proved, before his profession to the sentence on the two men, that he had carefully studied, read and taught their books and it is clear that many errors and heresies are contained in them. The said Jerome professed, however, that he held and believed what the church holds and believes regarding the sacrament of the altar and the transubstantiation of the bread into the body of Christ, saying that he believed in Augustine and the other doctors of the church more than in Wyclif and Hus. It is evident from the above that the said Jerome adhered to the condemned Wyclif and Hus and their errors, and that he was and is a supporter of them. This holy synod has therefore decreed and now declares that the said Jerome is to be cast away as a branch that is rotten, withered and separated from the vine¹; and it pronounces, declares and condemns him as a heretic who has relapsed into heresy and as an excommunicated and anathematised person.

¹ See Pro 26, 11; 2 Pt 2, 22.

² See Jn 15, 6.

SESSIO XXII

15 oct. 1416

[Confirmatum est foedus Narbonense inter Aragonensem regem, imperatorem et concilii legatos¹: Aragônensis rex aspernatur oboedientiam Benedicto XIII et per suos legatos concilium Constantiense amplectitur.]

SESSIO XXIII

5 nov. 1416

[Initium habet processus contra Petrum de Luna, in sua oboedientia Benedictum XIII nuncupatum.]

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SESSIO XXIV

28 nov. 1416

[Citatio contra Petrum de Luna, alias Benedictum XIII in sua oboedientia nuncupatum, decreta est.]

SESSIO XXV

14 dec. 1416

[Legati comitis de Fuxo Hispani, concilio uniti sunt secundum Narbonensis foederis conditiones.]

SESSIO XXVI

24 dec. 1416

[Legati regis Navarrae concilio uniti sunt, secundum Narbonensis foederis conditiones.]

SESSIO XXVII

20 febr. 1417

[Causa inter Fridericum Austriae ducem et episcopum Tridentinum discutitur: relatio facta est super executione monitorii in XX sessione decreti.]

SESSIO XXVIII

3 mart. 1417

[Causa Tridentina concluditur: Fridericus Austriae dux condemnatur.] is

¹ Capitula Narbonensia pro unione ecclesiae, concordata inter Sigismundum imperatorem et legatos Constandensis concilii ab una parte, et legatos regum et principum de oboedientia Benedicti XIII ab alia, publicata erant a concilio in generali congregatione die 13 dec. 1415 (cf. Hardt 4, 584). Edita sunt ab Hardt 2, 542-554.

SESSION 22

15 October 1416

[The treaty of Narbonne, between the king of Aragon, the emperor and the envoys of the council, is confirmed¹: the king of Aragon withdraws obedience from Benedict XIII and recognises the council of Constance through his envoys.]

SESSION 23

5 November 1416

[Beginning of the process against Peter de Luna, called Benedict XIII in his obedience.]

SESSION 24

28 November 1416

[A citation against Peter de Luna, called Benedict XIII in his obedience, is decreed.]

SESSION 25

14 December 1416

[The envoys of the Spanish count of Foix are united with the council in accordance with the terms of the treaty of Narbonne.]

SESSION 26

24 December 1416

[The envoys of the king of Navarre are united with the council in accordance with the terms of the treaty of Narbonne.]

SESSION 27

20 February 1417

[The dispute between Frederick, duke of Austria, and the bishop of Trent is discussed: a report is made on the carrying out of the warning decreed in session 20.]

SESSION 28

3 March 1417

[The Trent dispute is concluded: Frederick, duke of Austria, is condemned.]

¹ The articles of Narbonne concerning the unity of the church, which were agreed between the emperor Sigismund and the envoys of the council of Constance on the one side, and the envoys of the kings and princes of Benedict XIII's obedience on the other side, were published by the council in a general assembly on 13 December 1415 (see Hardt 4, 584). They are printed in Hardt 2, 542-554.

SESSIO XXIX

8 mart. 1417

[Accusata est contumacia Petri de Luna.]

SESSIO XXX

10 mart. 1417

[Processus contra Petrum de Luna continuat.]

SESSIO XXXI

31 mart. 1417

[Ad instantiam episcopi Astensis decretum est monitorium contra Philippum comitem Virtutum. Aliae minores deliberationes statutae sunt.]

SESSIO XXXII

1 apr. 1417

s [Denuo accusata est contumacia Petri de Luna et inquisitio in eum definita.]

SESSIO XXXIII

12 maii 1417

[Continuat processus contra Petrum de Luna, qui contumax reputatus est.]

SESSIO XXXIV

5 iun. 1417

[Res omnis instructa est ad condemnationem Petri de Luna.]

SESSIO XXXV

18 iun. 1417

[Legati regis Castellae concilio uniti sunt, secundum Narbonensis foederis conditiones.]

SESSIO XXXVI

22 iul. 1417

io [Decretum est de Petro de Luna citando ad audiendam sententiam con-

SESSION 29

8 March 1417

[Peter de Luna is accused of contumacy.]

SESSION 30

10 March 1417

[The process against Peter de Luna continues.]

SESSION 31

31 March 1417

A warning is decreed against Philip, count of Vertus, at the request of the bishop of Asti. Other minor deliberations take place.]

SESSION 32

1 April 1417

[Peter de Luna is again accused of contumacy and an inquiry about him is established.]

SESSION 33

12 May 1417

[The process against Peter de Luna, who is deemed contumacious, continues.]

SESSION 34

5 June 1417

[Everything is made ready for the condemnation of Peter de Luna.]

SESSION 35

18 June 1417

[The envoys of the king of Castile are united with the council in accordance with the terms of the treaty of Narbonne.]

SESSION 36

22 July 1417

[It is decreed that Peter de Luna is to be cited to hear the council's sentence.]

SESSIO XXXVII

26 iul. 1417

[Sententia definitiva qua Petrus de Luna, Benedictus XIII papa, papatu exutus est et de fide deiectus]

De vultu eius hoc indicium prodeat', qui sedet in throno-, et ex eius ore procedit gladius bis acutus³; cuius statera iusta est, et aequa sunt pondera, qui venturus est iudicare vivos et mortuos, domini nostri Iesu Christi, Amen, s*
lustus est Dominus, et iustitias dilexit, aequitatem vidit vultus eius^P. Vultus quidem Domini super facientes mala, ut perdat de terra memoriam eorum
Pereat, inquit sanctus propheta, memoria illius, qui non est recordatus facere misericordiam, et qui persecutus est hominem inopem et mendicum'. Quanto
magis pereat illius, qui omnes homines et ecclesiam universalem per- 10
secutus est et turbavit, Petri de Luna, Benedicti XIII a nonnullis nuncupati, memoria¹? Qui quantum in ecclesiam Dei et universum populum Christianum peccaverit, schisma et divisionem ecclesiae Deo fovens,
nutriens atque continuans: quantis, quamque frequentibus, devotis et 15
humilibus, regum, principum, et praelatorum precibus, exhortationibus et requisitionibus charitative iuxta doctrinam evangelicam admonitus fuerit, ut pacem daret ecclesiae, et illius sanaret vulnera, et eius partes divisas in unam compaginem et corpus unum reficeret, quemadmodum ipse iuraverat, eratque et diu fuit in sua potestate: quos tamen charitative
corripientes nullatenus voluit exaudire: quot sint postmodum testes 20
adhibiti; quibus etiam minime exauditis, necesse fuit secundum praedictam Christi evangelicam doctrinam dicere ecclesiae, quam quia etiam non audivit, habendus sit tamquam ethnicus et publicanus⁸: capitula in causa inquisitionis fidei et schismatis coram praesenti sancta synodo
generali super praemissis et aliis contra eum edita, ac illorum veritas et 25
notorietas, declaravit⁰ manifeste. Super quibus rite et canonice processo, ac omnibus rite actis ac diligenter inspectis, habitaque super ipsis deliberatione matura, eadem sancta generalis synodus universalem ecclesiam rapraesentans, in dicta inquisitionis causa pro tribunali sedens, pronunciat, decernit et declarat per hanc definitivam sententiam in his scriptis, w
eundem Petrum de Luna, Benedictum XIII, ut praemittitur nuncupatum, fuisse et esse periurum, universalis ecclesiae scandalizatorem, fautorem et nutritorem inveterati schismatis, inveteratae scissurae et divisionis ecclesiae sanctae Dei, pacis et unionis eiusdem ecclesiae imped-
ditorem, et turbatorem schismaticum, et haereticum, a fide devium, et 35
articuli fidei Unam sanctam catholicam ecclesiam violatorem pertinacem, cum scandalo ecclesiae Dei incorrigibilem, notorium et manifestum,

* *Sic Msi*; Quanto magis pereat ille ... Petrus de Luna, Benedictus XIII a nonnullis nuncupatus, qui *Hardt* ; memoria *om. Aid*

b *om. Aid* c declarant *Aid*

40

¹ Ps 16,2. ¹ Ap 4,10; 5,7,13; 7,15; 21, 5. ['] Ap 1,16; 19,15. ['] Lv 19, 36.

* Ps 10, 8. · Ps 33,17. ' Ps 108,15-17. · Cf. Mt 18,15-17.

SESSION 37

26 July 1417

[Definitive sentence whereby Peter de Luna, pope Benedict XIII, is divested of the papacy and deprived of the faith.]

*May this judgment come forth from the face*¹ of him who sits on the throne², and from his mouth proceeds a double-edged sword³ whose scales are just and weights are true⁴, who will come to judge the living and the dead, our lord Jesus Christ, Amen. *The Lord is just and loves just deeds, his face looks on righteousness*⁵. *But the Lord looks on those who do evil so as to cut off their remembrance from the earth*⁶. *Let there perish*, says the holy prophet, *the memory of him who did not remember to show mercy and who persecuted the poor and needy*⁷. How much more should there perish the memory of Peter de Luna, called by some Benedict XIII, who persecuted and disturbed all people and the universal church? For, how greatly he has sinned against God's church and the entire Christian people, fostering, nourishing and continuing the schism and division of God's church! How ardent and frequent have been the devout and humble prayers, exhortations and requests of kings, princes and prelates with which he has been warned in charity, in accordance with the teaching of the gospel, to bring peace to the church, to heal its wounds and to reconstitute its divided parts into one structure and one body, as he had sworn to do, and as for a long time it was within his power to do! He was unwilling, however, to listen to their charitable admonitions. How many were the persons afterwards sent to attest to him! Because he did not listen at all even to these, it has been necessary, in accordance with the aforesaid evangelical teaching of Christ, to say to the church, since he has not listened even to her, that he should be treated as a heathen and a publican⁸. All these things have been clearly proved by the articles coming from the inquiry into faith and the schism held before this present synod, regarding the above and other matters brought against him, as well as by their truth and notoriety. The proceedings have been correct and canonical, all the acts have been correctly and carefully examined and there has been mature deliberation. Therefore this same holy general synod, representing the universal church and sitting as a tribunal in the aforesaid inquiry, pronounces, decrees and declares by this definitive sentence written here, that the same Peter de Luna, called Benedict XIII as has been said, has been and is a perjurer, a cause of scandal to the universal church, a promoter and breeder of the ancient schism, that long established fission and division in God's holy church, an obstructor of the peace and unity of the said church, a schismatic disturber and a heretic, a deviator from the faith, a persistent violator of the article of the faith *One holy catholic church*, incorrigible, notorious and manifest in his scandal to God's

¹ Ps 16, 2. ² Ap 4, 10; 5, 7, 13; 7, 15; 21, 5.

³ Ap 1, 16; 19, 15. ⁴ 5Lv 19, 36.

⁵ Ps 10, 8. ⁶ Ps 33, 17. ⁷ Ps 108, 15-17. ⁸ See Mt 18, 15-17.

atque omni titulo, gradu, honore et dignitate se reddidisse indignum, a Deo eiectum et praecisum, et omni iure eidem in papatu, et Romano pontifici ac Romanae ecclesiae² quomodolibet competente, ipso iure privatum et ab ecclesia catholica tamquam membrum aridum praecisum, s
 Ipsumque Petrum, quatenus de facto papatum secundum se tenet, eadem sancta synodus papatu et summo ecclesiae Romanae pontificio, omnique titulo, gradu, honore, dignitate, beneficiis et officiis quibuscumque, ad omnem cautelam privat et deponit et abiicit. Eidemque inhibet, ne deinceps pro papa aut Romano et summo pontifice se gerat, omnesque
 10 christicolae ab eius oboedientia et omni debito oboedientiae ipsius atque iuramentis et obligationibus eidem quomodolibet praestitis absolvit, et absolutos fore declarat, ac omnibus et singulis Christi fidelibus inhibet sub poena fautoriae schismatis et haeresis atque privationis omnium beneficiorum, dignitatum et honorum ecclesiasticorum et mundanorum,
 » et aliis poenis iuris, etiam si episcopalis et patriarchalis, cardinalatus, regalis sit dignitas⁸, ac imperialis; quibus, si contra hanc inhibitionem fecerint, sint auctoritate huius decreti et sententiae ipso facto privati, et alias iuris incurrant poenas; ne eidem Petro de Luna schismatico et haeretico incorrigibili, notorio, declarato et deposito, tamquam papae
 :0 oboediant, pareant, vel intendant, aut eum quovis modo contra praemissa sustineant, vel receptent, sibiue praestent auxilium, consilium vel favorem. Declarat insuper et decernit omnes et singulas inhibitiones, omnesque processus, sententias, constitutiones, et censuras, et alia quaecumque, per eum factos, factas et facta, quae possent praemissis obviare,
 » irritos, irritas, irrita atque irritat, revocat et annullat: ceteris poenis, quas in praemissis casibus iura statuunt, semper salvis.

SESSIO XXXVIII

28 iul. 1417

[Decretum est de iure suffragii legatorum regum Castellae et Aragoniae, de quo in superiore sessione inter illos nondum convenerant; deque aliis minoribus rebus.]

SESSIO XXXIX

9 oct. 1417

30 [De conciliis generalibus]

Frequens generalium conciliorum celebratio, agri dominici praecipua cultura est, quae vepres, spinas et tribulos haeresium, errorum et schismatum extirpat, excessus corrigit, deformata reformat, et vineamc Domini ad frugem uberrimae fertilitatis adducit, illorum vero neglectus

35 @ *Sic Aid;* et Romano pontificio ac Romana ecclesia *Hardt* fi dignitatis *Asd*
 c *Sic rectius Asd;* viam *Hardt*

church: and that he has rendered himself unworthy of every title, rank, honour and dignity, rejected and cut off by God, deprived by the law itself of every right in any way belonging to him in the papacy or pertaining to the Roman pontiff and the Roman church, and cut off from the catholic church like a withered member. This same holy synod, moreover, as a precautionary measure, since according to himself he actually holds the papacy, deprives, deposes and casts out the said Peter from the papacy and from being the supreme pontiff of the Roman church and from every title, rank, honour, dignity, benefice and office whatsoever. It forbids him to act henceforth as the pope or as the supreme and Roman pontiff. It absolves and declares to be absolved all Christ's faithful from obedience to him, and from every duty of obedience to him and from oaths and obligations in any way made to him. It forbids each and every one of Christ's faithful to obey, respond to or attend to, as if he were pope, the said Peter de Luna, who is a notorious, declared and deposed schismatic and incorrigible heretic, or to sustain or harbour him in any way contrary to the aforesaid, or to offer him help, advice or good will. This is forbidden under pain of the offender being counted as a promoter of schism and heresy and of being deprived of all benefices, dignities and ecclesiastical or secular honours, and under other penalties of the law, even if the dignity is that of a bishop, a patriarch, a cardinal, a king or the emperor. If they act contrary to this prohibition, they are by this very fact deprived of these things, on the authority of this decree and sentence, and they incur the other penalties of the law. This holy synod, moreover, declares and decrees that all and singular prohibitions and all processes, sentences, constitutions, censures and any other things whatsoever that were issued by him and might impede the aforesaid, are without effect; and it invalidates, revokes and annuls them; saving always the other penalties which the law decrees for the above cases.

SESSION 38

28 July 1417

[Decree about the right to vote of the deputies of the kings of Castile and Aragon, concerning which agreement had not been reached among the said deputies in the previous session; decrees about other lesser matters.]

SESSION 39

9 October 1417

[On general councils]

The frequent holding of general councils is a pre-eminent means of cultivating the Lord's patrimony. It roots out the briars, thorns and thistles of heresies, errors and schisms, corrects deviations, reforms what is deformed and produces a richly fertile crop for the Lord's vineyard. Neglect of councils, on the other

praemissa disseminat atque fovet. Haec praeteritorum temporum recordatio et consideratio praesentium ante oculos nostros ponunt. Propter hoc edicto perpetuo sancimus, statuimus¹, decernimus atque ordinamus, ut amodo concilia generalia celebrentur: ita quod primum a fine huius concilii in quinquennium immediate sequens, secundum vero a fine illius 5 immediate sequentis concilii in septennium, et deinceps de decennio in decennium perpetuo celebrentur, in locis quae summus pontifex per mensem ante finem cuiuslibet concilii, approbante et consentiente concilio, vel in eius defectu ipsum concilium, deputare et assignare teneatur. Ut sic per quamdam continuationem semper aut concilium vigeat, aut 10 per termini pendentiam expectetur: quem terminum liceat summo pontifici de fratrum suorum sanctae Romanae ecclesiae cardinalium consilio ob emergentes forte casus abbreviare, sed nullatenus prorogetur. Locum autem pro futuro concilio celebrando deputatum absque evidenti necessitate non mutet. Sed si forte casus aliquis occurreret, quo necessarium videretur ipsum locum mutari, puta obsidionis, guerrae, pestis, aut similis, tunc liceat summo pontifici de praedictorum fratrum suorum, aut duarum partium ipsorum consensu atque subscriptione, alium locum, prius deputato loco viciniorem et aptum, sub eadem tamen natione, subrogare, nisi idem vel simile impedimentum per totam illam nationem vigeret. Et tunc ad aliquem alium viciniorem alterius nationis locum aptum huiusmodi concilium poterit convocare: ad quem praelati et alii ad concilie^{ut} solent convocari accedere teneantur, ac si a principio locus ille fuisset deputatus. Quam tamen loci mutationem, vel termini abbreviationem teneatur summus pontifex legitime et solenniter per annum ante praefixum terminum publicare et intimare, ut ad ipsum concilium celebrandum possint praedicti statuto termino convenire.

[Provisio adversus futura schismata praecavenda]

Si vero, quod absit, in futurum schisma oriri contingeret, ita, quod duo vel plures pro summis pontificibus se gererent, a die quo ipsi duo vel 10 plures insignia pontificatus publice assumpserint, seu administrare coeperint, intelligatur ipso iure terminus concilii tunc forte ultra annum pendens, ad annum proximum breviatus. Ad quod omnes praelati et ceteri qui ad concilium ire tenentur, sub poenis iuris et aliis per concilium imponendis, absque aliaconvocatione conveniant; necnon imperatorceteri- 15 que reges et principes vel personaliter aut per solemnes nuncios, tamquam ad commune incendium extinguendum *per viscera misericordiae*¹ domini nostri Iesu Christi ex nunc exoratis, concurrant. Et quilibet ipsorum pro Romano pontifice gerentium, infra mensem a die qua scientiam habere potuit, alium vel alios assumpsisse papatus insignia, vel in papatu ad- 20 ministrasse, teneatur sub intimatione^{*1} maledictionis aeternae et amissione

» om. Asd b exhortati Asd c interminatione Asd

¹ Lc1,78.

hand, spreads and fosters the aforesaid evils. This conclusion is brought before our eyes by the memory of past times and reflection on the present situation. For this reason we establish, enact, decree and ordain, by a perpetual edict, that general councils shall be held henceforth in the following way. The first shall follow in five years immediately after the end of this council, the second in seven years immediately after the end of the next council, and thereafter they are to be held every ten years for ever. They are to be held in places which the supreme pontiff is bound to nominate and assign within a month before the end of each preceding council, with the approval and consent of the council, or which, in his default, the council itself is bound to nominate. Thus, by a certain continuity, there will always be either a council in existence or one expected within a given time. If perchance emergencies arise, the time may be shortened by the supreme pontiff, acting on the advice of his brothers, the cardinals of the Roman church, but it may never be prolonged. Moreover, he may not change the place assigned for the next council without evident necessity. If an emergency arises whereby it seems necessary to change the place — for example in the case of a siege, war, disease or the like — then the supreme pontiff may, with the consent and written endorsement of his aforesaid brothers or of two-thirds of them, substitute another place which is suitable and fairly near to the place previously assigned. It must, however, be within the same nation unless the same or a similar impediment exists throughout the nation. In the latter case he may summon the council to another suitable place which is nearby but within another nation, and the prelates and other persons who are customarily summoned to a council will be obliged to come to it as if it had been the place originally assigned. The supreme pontiff is bound to announce and publish the change of place or the shortening of time in a legal and solemn form within a year before the date assigned, so that the aforesaid persons may be able to meet and hold the council at the appointed time.

[Provision to guard against future schisms]

If it happens — though may it not! — that a schism arises in the future in such a way that two or more persons claim to be supreme pontiffs, then the date of the council, if it is more than a year off, is to be brought forward to one year ahead; calculating this from the day on which two or more of them publicly assumed the insignia of their pontificates or on which they began to govern. All prelates and others who are bound to attend a council shall assemble at the council without the need for any summons, under pain of the law's sanctions and of other penalties which may be imposed by the council, and let the emperor and other kings and princes attend either in person or through official deputies, as if they had been besought, *through the bowels of the mercy*¹ of our lord Jesus Christ, to put out a common fire. Each of those claiming to be the Roman pontiff is bound to announce and proclaim the council as taking place at the end of the year, as mentioned, in the previously assigned place; he is bound to do this within a month after the day on which he came to know that one or more other persons had assumed the insignia of the papacy or was administering the papacy;

¹ Lk 1, 78.

iuris, si quod forte sibi quaesitum esset in papatu, quam ipso facto incurrat, et ultra hoc ad quaslibet dignitates active et passive sit inhabilis, concilium ipsum ad terminum anni praedictum in loco prius deputato indicare et publicare*, et per suas litteras competitori vel competitoribus, ipsum vel ipsos provocando ad causam, et ceteris praelatis ac principibus, quantum in eo fuerit, intimare; nec non termino praefixo sub poenis praedictis ad concilii locum personaliter se transferre, nec inde discedere, donec per concilium causa schismatis plenarie sit finita: hoc adiuncto, quod nullus ipsorum contendendum de papatu in ipso concilio ut papa praesideat. Quin immo ut tanto liberius et citius ecclesia⁰ unico et indubitato pastore gaudeat, sint ipsi omnes de papatu contententes, postquam dictum concilium inceptum fuerit, auctoritate huius sacraed synodi ipso iure ab omnid administratione suspensi: nec eis, aut eorum alteri, donec causa ipsa per concilium terminata fuerit, a quoquam sub poena fautoriae schismatis quomodolibet oboediatur.

Quod si forte electionem Romani pontificis per metum, qui caderet in constantem', seu impressionem de cetero fieri contingat, ipsam^f nullius decernimus efficaciae vel momenti, nec posse per sequentem consensum, etiam metu praedicto cessante, ratificari, vel approbari. Non tamen liceat cardinalibus ad aliam electionem procedere, nisi ille qui fuit electus[^] forte renuntiet, vel decedat, donec per generale concilium de electione illa fuerit iudicatum. Et si procedant, nulla sit electio ipso iure, sintque sic^d secundo eligentes et electus, si se papatui ingesserit, omni dignitate, honore et statu etiam cardinalatus et ponti^{li} ipso iure privati, et inhabiles de cetero ad easdem, ac etiam ad papatum, nec aliquish eidem secundo electo, ut papae, sub poena fautoriae schismatis oboediat^l quoquo modo. Et eo casu concilium de electione papae provideat illa vice: sed liceat, immo et teneantur electores omnes, aut saltem^d maior pars eorum, quam cito sine periculo personarum poterunt, etiam si periculum omnium bonorum immineat, se transferre ad locum tutum, et metum praedictum allegare coram notariis publicis et notabilibus personis ac multitudine populi in loco insigni: ita tamen, quod allegantes metum huiusmodi habeant in illius metus allegationem exprimere speciem et qualitatem dicti metus, et iurare solemniter, quod metus taliter allegatus sit verus, et quod credant se ipsum posse probare, et quod per malitiam vel per calumniam huiusmodi metum non proponant. Nec ultra proximum futurum concilium ullo modo differri possit allegatio dicti metus.

Teneantur insuper postquam se transtulerunt, et metum allegaverunt modo praedicto, provocare sic electum ad concilium. Quod concilium
⁴⁰ si ultra annum pendeat a die provocationis huiusmodi, intelligatur ad annum, ut supra, ipso iure terminus abbreviatus. Et nihilominus teneatur⁴ electus ipse sub poenis praedictis, et cardinales¹⁰ sub poena amissionis

» celebrandum *add. Aid* *b* Sic *Aid*; competitori vel *om. Hardt*

c Sic *Afri*; *om. Aid*; etiam *Hardt* *d* *om. Aid* *e* virum *add. Aid* *f* ipsum *Aid*

⁴⁵ *g* ille sic electus *Aid* *h* nec etiam in aliquo *Aid* « oboediatur *Aid*

k provocantes *add. Aid*

and this is under pain of eternal damnation, of the automatic loss of any rights that he had acquired in the papacy, and of being disqualified both actively and massively from all dignities. He is also bound to make the council known by letter to his rival claimant or claimants, challenging him or them to a judicial process, as well as to all prelates and princes, insofar as this is possible. He shall go in person to the place of the council at the appointed time, under pain of the aforesaid penalties, and shall not depart until the question of the schism has been fully settled by the council. None of the contenders for the papacy, moreover, shall preside as pope at the council. Indeed, in order that the church may rejoice more freely and quickly in one undisputed pastor, all the contenders for the papacy are suspended by law as soon as the council has begun, on the authority of this holy synod, from all administration; and let not obedience be given in any way by anyone to them, or to any one of them until the question has been settled by the council.

If it happens in the future that the election of a Roman pontiff is brought about through fear, which would weigh upon even a steadfast man, or through pressure, then we declare that it is of no effect or moment and cannot be ratified or approved by subsequent consent even if the state of fear ceases. The cardinals, however, may not proceed to another election until a council has reached a decision about the election, unless the person elected resigns or dies. If they do proceed to this second election, then it is null by law and both those making the second election and the person elected, if he embarks upon his reign as pope, are deprived by law of every dignity, honour and rank — even cardinalatial or pontifical — and are thereafter ineligible for the same, even the papacy itself; and nobody may in any way obey as pope the second person elected, under pain of being a fosterer of schism. In such a case the council is to provide for the election of a pope. It is lawful, however, and indeed all the electors are bound, or at least the greater part of them, to move to a safe locality and to make a statement about the said fear. The statement is to be made in a prominent place before public notaries and important persons as well as before a multitude of the people. They are to do this as quickly as they can without danger to their persons, even if there is a threat of danger to all their goods. They shall state in their allegation the nature and extent of the fear and shall solemnly swear that the allegation is true, that they believe they can prove it and that they are not making it out of malice or calumny. Such an allegation of fear cannot be delayed in any way until after the next council.

After they have moved and have alleged the fear in the above form, they are bound to summon the person elected to a council. If a council is not due for more than a year after their summons, then its date shall be brought forward by the law itself to only a year ahead, in the way explained above. The elected person is bound under pain of the aforesaid penalties, and the cardinals under pain of automatically losing the cardinalate and all their benefices, to announce

cardinalatus et omnium beneficiorum suorum, quam ipso facto incurrant, infra mensem a die provocationis, concilium ipsum indicare et publicare, ut supra dicitur, et quam citius poterunt intimare: ac cardinales ipsi, ceterique electores ad locum concilii tempore convenienti personaliter se transferre, et usque ad finem causae exspectare teneantur*.

Teneanturque praelati ceteri, ut supra, ad convocationem cardinalium tantum, si forte electus convocare cessaret, accedere: qui sic electus in concilio ipso non praesideat, quin immo sit a termino initiandi concilii ipso iure ab omni administratione papatus suspensus, nec sibi a quoquam sub poena fautoriae schismatis quomodolibet oboediatur. Quod si infra annum ante diem indicti concilii contingant supradicti casus, videlicet quod plures se gerant pro papa, vel quod unus per metum seu per impressionem eligatur, censeantur ipso iure tam gerentes se pro papa, quam electus per metum seu impressionem, et cardinales ad dictum concilium provocati: teneanturque in ipso concilio compatere personaliter, causam exponere, et iudicium concilii exspectare. Sed si dictis casibus occurrentibus, continget forte casus aliquis, quo necessarium sit locum concilii mutare, ut obsidionis, vel guerrae, aut pestis, aut similis, teneantur nihilominus tam omnes supradicti, quam omnes praelati, ceterique qui ad concilium ire tenentur, ad locum proximiorum, ut praemittitur, qui sit habilis ad concilium, convenire, possitque maior pars praelatorum, qui infra mensem ad locum certum declinaverint, illum sibi et aliis pro loco concilii deputare ad quem ceteri convenire teneantur, ac si a principio fuisset deputatus^b. Concilium autem, ut praefertur, convocatum et congregatum, de huiusmodi schismatis causa cognoscens, et in contumacia electorum seu gerentium se pro papa, vel cardinalium, si forte venire neglexerint, litem dirimat, causamque definiat et culpabiles in schismate procurando seu nutriendo, vel in administrando aut oboediendo, vel administrantibus favendo, seu contra interdictum superius eligendo, vel calumniosos in allegando^c metum, etiam ultra praedictas poenas, cuiuscumque status, gradus seu praeeminentiae existant, ecclesiasticae, vel mundanae personae³, sic puniat, ut vindictae rigor transeat^d ceteris in exemplum.

Ut autem metus seu impressionis molestia in electione papae eo formidolosius evitetur, quo toti christianitati lamentabilius eorum incussio seu factio perpetratur: ultra praedicta specialiter duximus statuendum, quod si quis huiusmodi metum vel impressionem aut violentiam electoribus ipsis vel alicui eorum in electione papae intulerit, seu fecerit, aut fieri procuraverit, vel factum ratum habuerit, aut in hoc consilium dederit vel favorem, facientemve scienter receptaverit, vel defensaverit, aut negligens in executione poenarum inferius memoratarum^e exstiterit, cuiuscumque status, gradus aut praeeminentiae fuerit, etiamsi imperiali, regali, pontificali, aut alia quavis ecclesiastica aut saeculari praefulgeat

» ow. *Aid* b ad quem . . . deputatus *om. Aid*

c calumniose allegando *Aid*

d luceat *Aid* e nominatarum *Aid*

and proclaim the council within a month after the summons, in the way mentioned above, and to make it known as soon as possible. The cardinals and other electors are bound to come in person to the place of the council, at a suitable time, and to remain there until the end of the affair.

The other prelates are bound to answer the cardinals' summons, as mentioned above, if the person elected fails to issue a summons. The latter will not preside at the council since he will have been suspended by law from all government of the papacy from the time the council begins, and he is not to be obeyed by anyone in any matter under pain of the offender becoming a promoter of schism. If the aforesaid emergencies arise within a year before the beginning of a council — namely that more than one person claim to be pope or that someone has been elected through fear or pressure — then those who claim to be pope, or the one elected through fear or pressure, as well as the cardinals, are deemed by law as having been summoned to the council. They are bound, moreover, to appear in person at the council, to explain their case and to await the council's judgment. But if some emergency happens during the above occurrences whereby it is necessary to change the place of the council — for example a siege or war or disease or some such — then nevertheless all the aforesaid persons, as well as all prelates and others who are obliged to attend a council, are bound to assemble at a neighbouring place suitable for the council, as has been said above. Moreover, the greater part of the prelates who have moved to a particular place within a month may specify it as the place of the council to which they and others are bound to come, just as if it had been the place first assigned. The council, after it has thus been summoned and has assembled and become acquainted with the cause of the schism, shall bring a suit of contumacy against the electors or those claiming to be pope or the cardinals, if perchance they fail to come. It shall then pronounce judgment and shall punish, even beyond the aforesaid penalties and in such a way that the fierceness of the punishment acts as an example to others, those who are to blame — no matter of what state or rank or pre-eminence, whether ecclesiastical or secular, they may be — in starting or fostering the schism, in their administering or obeying, in their supporting those who governed or in making an election against the aforesaid prohibition, or who lied in their allegations of fear.

The disturbance caused by fear or pressure at a papal election corrodes and divides, in a lamentable way, the whole of Christianity. In order that it may be assiduously avoided, we have decided to decree, in addition to what has been said above, that if anyone brings to bear or causes, or procures to be brought about, fear or pressure or violence of this kind upon the electors in a papal election, or upon any one of them, or has the matter ratified after it has been done, or advises or acts in support of it, or knowingly receives or defends someone who has done this, or is negligent in enforcing the penalties mentioned below — no matter of what state or rank or pre-eminence the offender may be, even if it be imperial or regal or pontifical, or any other ecclesiastical or secular dignity he may hold — then he automatically incurs the penalties contained in

dignitate, illas poenas ipso tacto incurrat, quae in constitutione felicitatis recordationis Bonifacii papae VIII, quae incipit, *Felicitis*¹ continentur illisque effectualiter puniatur.

Civitas vero etiam si, quod absit, urbs Romana fuerit, seu alia quaevis
 5 universitas, quae talia facienti auxilium vel consilium dederit, aut favorem, vel infra mensem saltem taliter delinquentem, prout tanti facinoris enormitas exegerit et facultas ei affuerit, non duxerit puniendum, eo ipso subiaceat ecclesiastico interdicto. Et nihilominus, praeter dictam urbem, pontificali, ut supra iitb mentiob, eo ipso sit dignitate privata, non obstan-
 10 tibus privilegiis quibuscumque. Volumus insuper, quod in fine cuiuslibet concilii generalis hoc decretum solemniter publicetur, necnon quando-
 cumque et ubicumque Romani pontificis electio imminebit facienda, ante ingressum conclavis legatur, et publice intimetur.

[De professione facienda per papam]

Quanto Romanus pontifex eminentiori inter mortales fungitur potestate, tanto clarioribus ipsum decet fidei vinculis, et sacramentorum ecclesiasticorum observandis ritibus alligari. Eapropter, ut in futuro Romano pontifice in suae creationis primordiis singulari splendore luceat plena fides, statuimus et ordinamus, quod deinceps quilibet in Romanum pontificem eligendus, antequam sua electio publicetur, coram suis electoribus publice confessionem et professionem faciat infra scriptas:

In nomine sanctae et individuae Trinitatis, Patris et Filii et Spiritus sancti. Amen. Anno a nativitate Domini millesimo, etc. ego. N. electus in papam, omnipotenti Deo, cuius ecclesiam suo praesidio regendam suscipio, et beato Petro apostolorum principi corde et ore confiteor et profiteor, quamdiu in hac fragili vita constitutus fuero, me firmiter credere et tenere fidem catholicam, secundum traditiones apostolorum, generalium conciliorum et aliorum sanctorum patrum, maxime autem sacrorum octo conciliorum universalium, videlicet primi Nicaeni, secundi C
 40 stantinopolitani, tertii Ephesini, quarti Chalcedonensis, quinti et sexti item Constantinopolitani, septimi item Nicaeni, octavi quoque Constantinopolitani, nec non Lateranensis, Lugdunensis et Viennensis generalium etiam conciliorum. Et illam fidem usque ad unum apicem² immutilatam servare, et usque ad animam et sanguinem confirmare, defensare et praedicare, ritumque pariter sacramentorum ecclesiasticorum catholicae ecclesiae traditum, omnimode prosequi et observare. Hanc autem professionem et confessionem meam per notarium scrinarium sanctae Romanae ecclesiae me iubente scriptam, propria manu subscripsi, et tibi omnipotenti Deo pura mente et devota conscientia super tali
 40 altari N. sinceriter offero in praesentia talium, ac talium. Actum etc.

a *Sic rectius Asd*; Feliciter *Hardt*

b *cm. Aid* c sanctam *add. Aid*

1 c. 5 V 9 in *VF* (Fr 2,1091). » Cf. Mt 5,18.

pope Boniface VIII's constitution which begins *Felicitis'*, and he shall be effectively punished by them.

Any city — even if it be Rome itself, though may it not be! — or any other corporation that gives aid, counsel or support to someone who does these things, or that does not have such an offender punished within a month, insofar as the enormity of the crime demands and there exists the possibility of inflicting the punishment, shall automatically be subject to ecclesiastical interdict. Furthermore the city, apart from the one mentioned above, shall be deprived of the episcopal dignity, notwithstanding any privileges to the contrary. We wish, moreover, that this decree be solemnly published at the end of every general council and that it be read out and publicly announced before the start of a conclave, wherever and whenever the election of a Roman pontiff is about to take place.

[On the profession to be made by the pope]

Since the Roman pontiff exercises such great power among mortals, it is right that he be bound all the more by the incontrovertible bonds of the faith and by the rites that are to be observed regarding the church's sacraments. We therefore decree and ordain, in order that the fullness of the faith may shine in a future Roman pontiff with singular splendour from the earliest moments of his becoming pope, that henceforth whoever is to be elected Roman pontiff shall make the following confession and profession in public, in front of his electors, before his election is published.

In the name of the holy and undivided Trinity, Father and Son and holy Spirit. Amen. In the year of our Lord's nativity one thousand etc., I, N., elected pope, with both heart and mouth confess and profess to almighty God, whose church I undertake with his assistance to govern, and to blessed Peter, prince of the apostles, that as long as I am in this fragile life I will firmly believe and hold the catholic faith, according to the traditions of the apostles, of the general councils and of other holy fathers, especially of the eight holy universal councils — namely the first at Nicaea, the second at Constantinople, the third at Ephesus, the fourth at Chalcedon, the fifth and sixth at Constantinople, the seventh at Nicaea and the eighth at Constantinople — as well as of the general councils at the Lateran, Lyons and Vienne, and I will preserve this faith unchanged to the last day and will confirm, defend and preach it to the point of death and the shedding of my blood, and likewise I will follow and observe in every way the rite handed down of the ecclesiastical sacraments of the catholic church. This my profession and confession, written at my orders by a notary of the holy Roman church, I have signed below with my own hand. I sincerely offer it on this altar N. to you, almighty God, with a pure mind and a devout conscience, in the presence of the following. Made etc.

1 ch. 5 V 9, Sext (Fr 2, 1091).

2 See Mt 5, 18.

[Ne praelati transferantur inviti]

Cum ex praelatorum translationibus ecclesiae, de quibus transferuntur, plerumque gravibus in spiritualibus et temporalibus subiaceant dispendiis et iacturis; praelati quoque nonnumquam iura et libertates ecclesiarum translationis formidine non adeo solerter, ut alias, prosequantur, ac* ad s importunitatem quorundam, quae sua et non quae Iesu Christi suntb quaerentium¹, Romanus pontifex forsitan ut homo facti nescius in huiusmodi circumveniat, ut* alias leviter inclinetur: praesentibus statuimus et ordinamus, invitatorum episcoporum et superiorum translationes, absque magna et rationabili causa, quae vocata parte cognita fuerit et 10 decisa de consilio sanctae Romanae ecclesiae cardinalium, vel maioris partis et cum subscriptione, eorundem de cetero fieri non debere. Inferiores vero, ut abbates, alique perpetuo beneficiât!, absque iusta et rationabili causa cognita immutari, amoveri seu privari non debeant.

Adiicientes, quod in mutationibus abbatum subscriptio cardinalium u interveniat, sicut in episcopis est praemissum, salvo constitutionibus et privilegiis ecclesiarum, et monasteriorum, et ordinum quorumcumque.

[De spoliis et procurationibus]

Cum per papam facta reservatio et exactio et perceptio procurationum, ordinariis et aliis inferioribus praelatis debitarum, ratione visitationis, 20 nec non et spoliiorum decedentium praelatorum, aliorumque clericorum, gravia ecclesiis, monasteriis et aliis beneficiis, ecclesiasticisque personis afferant detrimenta: praesenti declaramus edicto, rationi fore consentaneum, ac reipublicae accommodum, tales per papam reservationes, ac per collectores et alios auctoritate apostolica deputatos seu deputandos, 25 exactiones seu perceptiones, de cetero nullo modo fieri seu attentari: quin immo procurationes huiusmodi et quorumcumque praelatorum, etiam cardinalium, vel ipsius papae familiarium, vel officialium et aliorum quorumcumque clericorum, in curia Romana vel extra, ubicumque et quandocumque decedentium, spolia seu bona eorum mortis tempore 30 reperta, plane et libere pertineant illis, et per illos recipiantur, quibus alias, praefatis reservationibus, mandatis et exactionibus cessantibus, competere ac pertinere deberent. Praelatis etiam inferioribus et aliis huiusmodi spoliiorum exactiones praeter et contra iuris communis formam fieri interdiciamus, constitutione tamen felicitis recordationis Bonifacii 35 papae VIII, quae incipit *Praesenti*², super hoc edita specialiter, in suo robore duratura.

2 ne *Aid* om. *Aid* c aut *Aid* d consuetudinibus *add. Asd* e plene *Aid*

¹ Cf. Ph 2,21. ² c. 9 116 in *VP* (Fr 2,989).

[That prelates may not be translated without their consent]

When prelates are translated, there is commonly both spiritual and temporal loss and damage of a grave nature for the churches from which they are transferred. The prelates, moreover, sometimes do not maintain the rights and liberties of their churches as carefully as they otherwise might, out of fear of being translated. The importunity of certain people who seek their own good, not that of Jesus Christ¹, may mean that the Roman pontiff is deceived in such a matter, as one ignorant of the facts, and so is easily led astray. We therefore determine and ordain, by this present decree, that henceforth bishops and superiors ought not to be translated unwillingly without a grave and reasonable cause which, after the person in question has been summoned, is to be inquired into and decided upon with the advice of the cardinals of the holy Roman church, or the greater part of them, and with their written endorsement. Lesser prelates, such as abbots and others with perpetual benefices, ought not to be changed, moved or deposed without a just and reasonable cause that has been inquired into.

We add, moreover, that for abbots to be changed the written endorsement of the cardinals is necessary — just as it is necessary for bishops, as has been said — saving, however, the constitutions and privileges of any churches, monasteries and orders.

[On spoils and procurations]

Papal reservations as well as the exacting and receiving of procurations which are due to ordinaries and other lesser prelates, by reason of a visitation, and of spoils on deceased prelates and other clerics, are seriously detrimental to churches, monasteries and other benefices and to churchmen. We therefore declare, by this present edict, that it is reasonable and in the public interest that reservations made by the pope, as well as exactions and collections of this kind made by collectors and others appointed or to be appointed by apostolic authority, are henceforth in no way to occur or to be attempted. Indeed, procurations of this kind, as well as spoils and the goods of any prelates found at their deaths, even if they are cardinals or members of the papal household or officials or any other clerics whatsoever, in the Roman curia or outside it, no matter where or when they die, are to belong to and to be received by, fully and freely, those persons to whom they would and ought to belong with the ending of the aforesaid reservations, mandates and exactions. We forbid the exaction of such spoils on prelates, even inferior ones and others, which are outside and contrary to the form of common law. However, the constitution of pope Boniface VIII of happy memory, beginning *Praesentil*, which was published with this specially in mind, is to remain in force.

* See Ph 2,21.

2 ch. 9 § 16, *Sext* (Fr 2, 989).

SESSIO XL

30 oct. 1417

[Reformationes flendae per papam una cum concilio
antequam dissolvatur]

Sacrosancta synodus Constantiensis* statuit et decernit, quod futurus
summus Romanus pontifex, per Dei gratiam de proximo assumendus,
» cum hoc sacro concilio, vel deputandis per singulas nationes debeat
reformare ecclesiam in capite et curia Romanab, secundum aequitatem et
bonum regimen ecclesiae, antequam hoc concilium dissolvatur, super
materiis articulorum alias per nationes in reformatoriis oblatorumc, qui
sequuntur.

- io I. Primo, de numero, qualitate et natione dominorum cardinalium.
IL Item, de reservationibus sedis apostolicae.
III. Item, de annatis, communibus servitiis et minutis.
IV. Item, de collationibus beneficiorum et gratiis expectativis.
V. Item, de causis in Romana curia tractandis, vel non.
is VI. Item, de appellationibus ad Romanam curiam.
VII. Item, de officiis cancellariae et poenitentiariae.
VIII. Item, de exemptionibus et incorporationibus tempore schismatis
factis.
IX. Item, de commendis.
μ X. Item, de confirmationibus electionum0.
XI. Item, de fructibus medii temporis.
XII. Item, de non alienandis bonis Romanae ecclesiae et aliarum
ecclesiarum'.
XIII. Item, propter quae et quomodo papa possit corrigi vel deponi.
« XIV. Item, de exstirpatione simoniae.
XV. Item, de dispensationibus.
XVI. Item, de provisione papae et cardinalium.
XVII. Item, de indulgentiis.
XV in. Item, de decimis.

- μ Hoc adiecto, quod facta per nationes deputatione praedicta, liceat aliis
de papae licentia libere ad propria remeare.

[Quod procedatur ad electionem Romani pontificis,
absentia cardinalium Petri de Luna non obstante]

35 Sacrosancta generalis Constantiensis synodus, attendens ea quae dudum
Narbonae pro unione ecclesiae de admittendis in eadem synodo cardi-
nalibus oboedientiae Petri de Luna, olim Benedicti XIII in sua oboedientia

a Sacrosancta generalis synodus Constantiensis in Spiritu sancto legitime congregata,
universalem ecclesiam repraesentans *Asd*

b in capite, et curiam Romanam *Asd* c reformatorio ablatorum *Asd*

40 d *In At d bic articulus quintum lacum tenet ordine mutato e et . . . ecclesiarum om. Asd.*

SESSION 40

30 October 1417

[Reforms to be made by the pope together with the council before it is dissolved]

The most holy synod of Constance³ declares and decrees that the future supreme Roman pontiff, who by God's grace is to be elected very soon, together with this sacred council or those to be deputed by the individual nations, is bound to reform the church in its head and in the Roman curia, according to justice and the good government of the church, before this council is dissolved, under the topics contained in the following articles, which were at various times put forward by the nations by way of reforms.

1. First, the number, quality and nationality of the lord cardinals.
2. Next, reservations of the apostolic see.
3. Next, annates, common services and petty sendees.
4. Next, collations to benefices and expectative graces.
5. Next, the cases that are, or are not, to be heard at the Roman curia.
6. Next, appeals to the Roman curia.
7. Next, the offices of chancery and penitentiary.
8. Next, exemptions and incorporations made at the time of the schism.
9. Next, commendams.
10. Next, confirmation of elections³.
11. Next, intercalary fruits.
12. Next, not alienating goods of the Roman church and of other churches.
13. Next, for what reasons and how a pope can be corrected or deposed.
14. Next, the eradication of simony.
15. Next, dispensations.
16. Next, revenues of the pope and the cardinals.
17. Next, indulgences.
18. Next, tithes.

With this addition, that when the nations have deputed their representatives as mentioned above, the others may freely return to their own countries with the pope's permission.

[That the election of the Roman pontiff may be begun, notwithstanding the absence of Peter de Luna's cardinals]

The most holy general synod of Constance notes what was previously agreed upon at Narbonne concerning the church's unity and the admission to this synod of the cardinals of the obedience of Peter de Luna, called Benedict XIII in

¹ The most holy general synod of Constance, legitimately assembled in the holy Spirit, representing the universal church *Asd*.

d This article comes *fifth* in the changed order in *Asd*

nuncupati, concordata fuerunt, quodque post notoriam eiectionem dicti Petri de Luna, praefati cardinales dudum secundum eadem concordata ante eiectionem¹ huiusmodi vocati, infra tres menses et amplius a die eiectionis praedictae exspectati non venerunt, statuit et decernit fore ad electionem Romani pontificis iuxta decernenda per eandem synodum, 5 eiusdem synodi auctoritate procedendum, ipsorum absentia non obstante; quos, si ante consummatam electionem futuri summi pontificis venerint, et eidem concilio adhaeserint, iuxta iuris dispositionem et decernenda per concilium, una cum aliis ad electionem praedictam admittendos esse declarat. 10

[De modo et forma eligendi papam]

Ad laudem, gloriam et honorem omnipotentis Dei, ad pacem et unitatem universalis ecclesiae ac totius populi christiani. Ut electio futuri Romani et summi pontificis proxime celebranda, firmiori auctoritate et plurium roboretur assensu; et ne, attento statu ecclesiae, super dicta electione in posterum ulla retractatio², ullus scrupulus in mentibus hominum resideat, sed ex illa sequatur unio certa, vera, plenissima et perfecta fidelium: sacrosancta generalis' synodus Constantiensis, communi utilitate pensata, de speciali et expresse consensu et voluntate concordae 20 Romanae ecclesiae cardinalium in eadem synodod existentium, et collegii eorumdem ac omnium nationum praesentis concilii, statuit, ordinat et decernit, quod hac vice dumtaxat ad eligendum Romanum et summum pontificem, una cum cardinalibus sex praelati, vel aliae honorabiles personae ecclesiasticae in sacris ordinibus constitutae, de qualibet natione in eadem synodo pro nunc existente', et' nominata', quos seu quas quaelibet ipsarum nationum pro se ad hoc infra decem dies duxerit eligendos' seu' eligendas, ipsis cardinalibus adiungantur. Quibus omnibus eadem sancta' synodus eligendi Romanum pontificem secundum formam hic expressam, quatenus opus est, tribuit potestatem: videlicet, quod ille absque ulla exceptione ab universali ecclesia Romanus pontifex habeatur, 30 qui a duabus partibus cardinalium in conclavi existentium, et a cuiuslibet nationis duabus partibus eisdem cardinalibus adiungendorum, et tunc adiunctorum, electus fuerit et receptus. Quodque non valeat electio, nec electus pro summo pontifice habeatur, nisi duae partes cardinalium in conclavi existentium, et cuiuslibet nationisf duae partes cum cardinalibus 35 ad eligendum adiungendorum et tunc adiunctorum, consentiant et consenserint in Romanum pontificem eligendum. Statuit insuper, ordinat et decernit, quod vota quorumcumque in electione huiusmodi emittenda sint nulla, nisi, ut praemittitur, duae partes cardinalium, et duae partes cuiuslibet nationis adiungendorum, et tunc adiunctorum praedictorum, 40 principaliter^ aut per accessionem in unum concurrant. Hoc etiam adiecto, quod praelati et alii cum ipsis cardinalibus ad electionem huiusmodi adiun-

¹ Sic *Aid*; dicti... eiectionem *om. Hardt* ^b retractio *Aid* ^c *om. Aid*

^d personaliter *add. Aid* ^e pro tunc existentes *Aid*

^f duae panes ... nationis *om. Aid* ^g praesentialiter *Aid et codex ab Hardt recentitui*

his obedience. It notes, too, that after the notorious expulsion of the said Peter de Luna, the aforesaid cardinals who had been summoned before the expulsion according to the terms of the agreement, did not come within three months and more after the aforesaid expulsion. The synod therefore decrees and declares that, notwithstanding their absence, it will proceed to the election of the Roman pontiff on the authority of the said synod and according to what has been decided by the same synod. It declares, however, that if they arrive before the election of the future supreme pontiff has been completed, and if they adhere to the council, they are to be admitted to the aforesaid election together with the other cardinals, according to the directives of the law and what shall be decided by the council.

[On the manner and form of electing the pope]

For the praise, glory and honour of almighty God and for the peace and unity of the universal church and of the whole Christian people. The election of the future Roman and supreme pontiff is soon to be held. We wish that it may be confirmed with greater authority and by the assent of many persons and that, mindful as we are of the state of the church, no doubts or scruples may later remain in people's minds regarding the said election but rather that a secure, true, full and perfect union of the faithful may result from it. Therefore this most holy general synod of Constance, mindful of the common good and with the special and express consent and the united wish of the cardinals of the holy Roman church present at the same synod, and of the college of cardinals and of all the nations at this present council, declares, ordains and decrees that, for this time only, at the election of the Roman and supreme pontiff, there shall be added to the cardinals six prelates or other honourable churchmen in holy orders, from each of the nations currently present and named at the same synod, who are to be chosen by each of the said nations within ten days. This same holy synod gives power to all these people, insofar as it is necessary, to elect the Roman pontiff according to the form here laid down. That is to say, the person is to be regarded as the Roman pontiff by the universal church without exception who is elected and admitted by two-thirds of the cardinals present at the conclave and by two-thirds of those from each nation who are to be and have been added to the cardinals. Moreover, the election is not valid nor is the person elected to be regarded as supreme pontiff unless two-thirds of the cardinals present at the conclave, and two-thirds of those from each nation who should be and have been added to the same cardinals, agree to elect him as Roman pontiff. The synod also declares, ordains and decrees that the votes of any persons cast at the election are null unless, as has been said, two-thirds of the cardinals, and two-thirds of those from each nation who should be and have been added to them, agree, directly or by way of addition, upon one person. This must be added, moreover, that the prelates and other persons who should be and have been added to the cardinals for the election, are bound to observe all and singular

gendi, et tunc adiuncti, omnes et singulas constitutiones apostolicas, etiam poenales, circa electionem Romani pontificis editas, atque consuetudines observari consuetas, quemadmodum ipsi cardinales observare teneantur, et ad illorum observantiam adstringantur. Teneantur insuper iurare et s iurent dicti electores, et cardinales, et alii, antequam ad electionem procedant, quod in huiusmodi electionis negotio attendentes*, quid eis imminabit, cum de creatione agitur vicarii Iesu Christi, successoris beati Petri, universalis ecclesiae rectoris, gregis dominici directoris, puris et sinceris mentibus, et quantum credent publicae utilitati universalis ecclesiae proficere omni cuiuscumque nationis personae, vel alio inordinato affectu, odio, gratia vel favore abiectis, procedere: ut eorum ministerio de utili et idoneo universalis ecclesiae provideatur pastore. Ordinatur insuper, statuit et decernit eadem sancta synodus, quod infra decem dies ex tuncb continue numerandos, quos decem dies omnibus et singulis sanctae is Romanae ecclesiae cardinalibus praesentibus et absentibus, ac ceteris electoribus supradictis, attenta Romanae ecclesiae notoria vacatione, ad intrandum conclave in hac civitate Constantiensi in maiori domo communivitatis eiusdem civitatis ad hoc iam ordinata, praefigit et assignat, praefati electores, cardinales et alii supradicti, intrent ipsum conclave ad electionem huiusmodi celebrandam, ceteraque faciendumc et prosequendum, quemadmodum in ceteris, praeter praemissa de cardinalibus et aliis electoribus0 in electione Romani pontificis iura statuunt et decernunt. Quae omnia, praemissis observatis, vult eadem sancta synodus in suo robore permanere. Hanc autem formam et hunc modum electionis approbat, ordinat, statuit et decernit pro hac vice: et ad omnem scrupulum submovendum eadem sancta synodus et singulos in eadem synodo praesentes et venturos, qui eidem synodo adhaerebunt, ad omnes actus legitimos in eadem synodo agendos active et passive, quatenus opus est, habilitat et habiles esse declarat, ceteris eiusdem sacri concilii decretis semper salvis, supplens omnes defectus, si qui forsitan intervenerint in praemissis, apostolicis etiam et in generalibus conciliis editis constitutionibus, et aliis in contrarium facientibus, non obstantibus quibuscumque.

SESSIO XLI

8 nov. 1417

[Instructa sunt omnia pro ingressu conclavis ad electionem papae: die 11 novembris electus est pontifex Oddo cardinalis Columna, Martinus V.]

SESSIO XLII

28 dec. 1417

35 [In hac sessione approbata est bulla Martini V de Balthasare de Cossa, olim papa, in concilio pridem sede moto et carcere clauso, nunc liberando.]

l attendant *Asd* b nunc *Asd* c observandum *add. Aid*
d *om. Aid* e et aliis constitutionibus non obstantibus *Asd*

apostolic constitutions, even penal ones, which have been promulgated regarding the election of the Roman pontiff, just as the cardinals themselves are bound to observe them, and they are bound to their observance. The said electors, both cardinals and others, are also bound to swear, before they proceed to the election, that in attending to the business of the election, they will proceed with pure and sincere minds — since it is a question of creating the vicar Jesus Christ, the successor of the blessed Peter, the governor of the universal church and the leader of the Lord's flock — and that they firmly believe it will benefit the public good of the universal church if they entirely prescind from all affection for persons of any particular nation, or other inordinate affections, as well as from hatred and graces or favours bestowed, in order that by their ministry a beneficial and suitable pastor may be provided for the universal church. This same holy synod, mindful of this notorious vacancy in the Roman church, fixes and assigns the next ten days for all and singular cardinals of the holy Roman church, whether present here or absent, and the other electors mentioned above, to enter into the conclave which is to be held in this city of Constance, in the commune's principal building which has already been allocated for this purpose. The synod ordains, declares and decrees that within these next ten days the aforesaid electors, both cardinals and others mentioned above, must enter into the conclave for the purpose of holding the election and of doing and carrying out all the other matters according as the laws ordain and decree in all things, besides those mentioned above regarding the cardinals and other electors, concerning the election of a Roman pontiff. The same holy synod wishes all these laws to remain in force after the above matters have been observed. For this time, however, it approves, ordains, establishes and decrees this particular form and manner of election. The same holy synod, in order to remove all scruples, makes and declares fit for actively and passively carrying out all legitimate acts at the same synod, insofar as this is necessary, all those who are present at the same synod as well as those who will come and adhere to it, always saving the other decrees of this same sacred council, and it will supply for any defects, if perchance any shall occur in the above, notwithstanding any apostolic constitutions, even those published in general councils, and other constitutions to the contrary.

SESSION 41

8 November 1417

[Everything is prepared for the start of the conclave to elect a pope. On 11 November cardinal Oddo Colonna is elected pontiff as Martin V.]

SESSION 42

28 December 1417

[In this session a bull of Martin V was approved regarding Baldassare Cossa, formerly pope, who was earlier deprived of his see and imprisoned by the council but who is now to be set free.]

SESSIO XLIIP

21 man. 1418

(De reformatione ecclesiae quaedam statuta promulgata]

De exemptionibus

Martinus episcopus servus servorum Dei. Attendentes, quod a tempore obitus felicitis recordationis Gregorii papae XI praedecessoris nostri, nonnulli Romani pontifices aut pro Romanis pontificibus se gerentes, et in suis diversis oboedientiis reputati, pro sua voluntate, aut per importunitatem petentium, nonnullas ecclesias, monasteria, capitula, conventus, prioratus, beneficia, loca et personas a iurisdictionibus ordinariorum tempore dicti Gregorii nullatenus exemptas, vel exempta, de novo a dictorum ordinariorum iurisdictionibus exemerunt, in grave ipsorum ordinariorum praeiudicium: Nos volentes huiusmodi praeiudicio obviare, omnes exemptiones ecclesiarum cathedralium, monasteriorum, capitulorum, conventuum, praepositarum¹, beneficiorum, locorum et personarum quorumcumque, etiamsi ex praedictis aliquod monasterium fuerit exemptum, et postea subiectum monasterio diversi habitus vel coloris, a tempore obitus dicti Gregorii XI, per quoscumque pro Romanis pontificibus se gerentes, etiam si per nos forsitan approbatae fuerint ex certa scientia vel innovatae, parte non vocata, de novo factas, quae tamen ante exemptionem huiusmodi nulla exemptione gaudebant, sed simpliciter sublidebantur ordinariae iurisdictioni, nullumque ante illud tempus initium habuerant; exceptis etiam exemptionibus, quae uni toti ordini et quae ecclesiis, monasteriis, capitulis, conventibus, beneficiis sive locis, a praedicto tempore sub exemptionis modo aut conditione fundatis, aut contemplatione novae foundationis, seu universitatibus studiorum generalium, aut collegiis scholarium, aut per modum confirmationis, augmenti aut additionis factae fuerint, aut concessae, aut super quibus, praesentibus et auditis quorum intererat, auctoritate competenti ordinatum fuerit; seu in quibus ordinarii consenserint; et omnes exemptiones perpetuas, per inferiores a papa factas, sacro approbante concilio revocamus, etiam si super his lis pendeat indecisa, ipsam penitus extinguentes, ecclesias, monasteria, et alia loca praedicta in pristinam ordinariorum iurisdictionem reducimus. Ceteris autem exemptionibus, ante obitum dicti Gregorii habitis vel concessis, nullum volumus per hoc praeiudicium generari. Insuper non intendimus exemptiones de cetero facere, nisi causa cognita et vultis quorum interest.

* prioratum *Asd et codex ab Hardt recensitus*

¹ Die 22 febr. 1418 promulgata erat bulla Martini V *Inter cunctas* contra Ioannis Wicleff et Ioannis Huss sectatores, universis archiepiscopis, episcopis et inquisitoribus inscripta. In ea continentur etiam articuli 45 Widefi damnati in VIII sessione et articuli 30 Hussi damnati in XV sessione, supra quibus ab omnibus suspectis respondendum erat ad 39 quaesita in bulla ipsa enumerata (ct. Hardt 4, 1518-1531; H-L 7, 507-529; D 657-689).

SESSION 43¹

21 March 1418

(Certain statutes promulgated on the reform of the church]

On exemptions

Martin, bishop and servant of the servants of God. We note that from the time of the death of pope Gregory XI, our predecessor of happy memory, some Roman pontiffs, or those who claimed to be and were reputed as such in their various obediences, either of their own will or on account of the importunity of petitioners, have granted exemption from the jurisdiction of their ordinaries to certain churches, monasteries, chapters, convents, priories, benefices, places and persons, which were in no way exempt in the time of the said Gregory, to the great detriment of the ordinaries in question. We wish to avoid damage of this kind. We therefore revoke, with the approval of this sacred council, all exemptions that were first granted after the said Gregory XI's death, by any persons whomsoever claiming to be Roman pontiffs, even if perchance we ourselves with full knowledge approved or renewed the exemptions, without the party in question being heard, to any cathedral churches, monasteries (even those that were exempt but were later made subject to a monastery of a different order or tradition), chapters, convents, prelaties, benefices, places and persons whatsoever, if they had enjoyed no exemption before they were exempted in this way, but were simply subject to ordinary jurisdiction, and had no beginning before that time. We except, however, exemptions that were made or granted, either by way of confirmation, increase or addition, or concerning which the matter was ordained by the competent authority, after the interested parties had presented themselves and been heard, or to which the ordinaries consented, to a whole order or to churches, monasteries, chapters, convents, benefices and places founded after the aforesaid time by way of or on condition of exemption, or with a new foundation in mind, or to universities and colleges of scholars. We also revoke, with the approval of this sacred council, all perpetual exemptions granted by the pope through inferior persons. We revoke them even if unresolved suits about them are pending, and we end these suits. We return the churches, monasteries and other aforesaid places to the former jurisdiction of their ordinaries. We do not wish to prejudice by this in any way other exemptions held or granted before the death of the said Gregory. In future, however, we do not intend to grant exemptions unless the case has been examined and the interested parties have been summoned.

¹ On 22 February 1418 Martin V's bull *Inter cunctas* was promulgated against the followers of John Wyclif and John Hus. It was addressed to all archbishops, bishops and inquisitors. Included in it were the 45 articles of Wyclif condemned in the 8th session and the 30 articles of Hus condemned in the 15th session. All suspects were to answer 39 questions, which were enumerated in the bull, on these articles (see Hardt 4, 1518-1531; H-L 7, 507-529; D 657-689).

De mionibns ti incorporotionibus

Martinus, etc. Uniones et incorporationes a tempore obitus Gregorii XI factas seu concessas, cum certa regula dari non possit, ad querelas eorum, quorum interest, nisi fuerint impetrantes beneficia sic unita, si
 5 non ex rationabilibus causis et veris factae fuerint, licet apostolicae sedis auctoritas intervenerit, revocabimus iustitia mediante.

Dt frmtibus medii temporii

Martinus, etc. Item¹ fructus et proventus ecclesiarum, monasteriorum et beneficiorum, vacationis tempore obvenientes, iuris et consuetudinis vel
 10 privilegii dispositioni relinquimus, illosque nobis vel apostolicae camerae prohibemus applicari.

Dt rimoniât

Martinus, etc. Multae contra simoniacam pravitatem ab olim factae sunt constitutiones, quibus morbus ille non potuit* exstirpari. Nos, volentes de cetero, ut possumus, attentius providere, sacro approbante concilio declaramus, quod ordinati simoniace ab executione suorum ordinum sint eo ipso suspensi. Electiones autem, postulationes, confirmationes, et quaevis provisiones simoniace ecclesiarum, monasteriorum, dignitatum, personatum^d, officiorum et beneficiorum ecclesiasticorum quorumcumque deinceps factae, nullae sint ipso iure, nullumque per illas ius cuiquam acquiratur; nec promoti, confirmati, aut provisi faciant fructus suos, sed ad illorum restitutionem, tamquam inique ablatorum percipientes, teneantur. Statuentes insuper, quod dantes et recipientes eo ipso facto sententiam excommunicationis incurrant, etiam si pontificali aut cardinalatus praefulgeant dignitate.

Dt dispensatiinibtu

Martinus, etc. Quoniam beneficia propter officia conceduntur, reputamus absurdum, ut, qui beneficia obtinent, recusent aut negligant officium exercere. Nos igitur, sacro approbante concilio, omnes dispensationes a
 30 quibuscumque pro Romanis pontificibus se gerentibus concessas, quibuscumque electis, confirmatis, seu provisis ad ecclesias, monasteria, prioratus conventuales, decanatus, archidiaconatus, et alia quaecumque beneficia, quibus certus ordo debitus est vel annexus, aut de illis ne munus consecrationis episcopi, seu benedictiones abbatis, aut ceteros debitos aut
 35 annexos ordines suscipiant, praeter illas quae secundum formam constituti^j Bonifacii VIU, quae incipit *Cum ex eo*¹, factae sunt, revocamus. Statuentes, ut qui de praesenti illos vel illa obtinent, infra sex menses a die publicationis huiusmodi constitutionis nostrae, et qui in posterum obtinebunt, infra terminum iuris se faciant consecrari, aut benedici, sive
 40 ad alium debitum ordinem promoveri. Alioquin sint illis ipsis ecclesiis,

* *om. Aid* b *simonia Asd* c *competenter add. Asd*
 d *personarum Asd*

¹ c. 34 I 6 *in VP* (Fr 2,964).

On unions and incorporations

Martin, etc. It is not possible to give a certain rule about unions and incorporations made or granted after Gregory XI's death. We shall therefore revoke them, with due regard to justice, even though the authority of the apostolic see may have been involved, on the plea of the interested parties, unless they were made for good and true reasons or unless the interested persons themselves have obtained benefices united in this way.

On intercalary fruits

Martin, etc. Next, we leave the fruits and revenues coming from churches, monasteries and benefices during a vacancy to be disposed of in accordance with the law and customs or privileges. We forbid them to be applied to us or to the apostolic camera.

On simoniacs

Martin, etc. Many constitutions have been issued in the past against the evil of simony, but they have not been able to eradicate the disease. We wish to attend carefully to this matter in the future according as we are able to. We therefore declare, with the approval of this sacred council, that persons ordained in a simoniacal fashion are automatically suspended from exercising their orders. Simoniacal elections, postulations, confirmations and provisions that are henceforth made to or in respect of any churches, monasteries, dignities, parsonages, offices or ecclesiastical benefices are rendered null by the law itself and nobody acquires any rights through them. Those who have been thus promoted, confirmed or provided may not receive their fruits but are bound to restore them as though they had received things that had been unjustly taken. We decree, moreover, that both those who give and those who receive money in this matter of simony automatically incur the sentence of excommunication, even though their rank be pontifical or cardinalatial.

On dispensations

Martin, etc. Since benefices are granted by reason of the duties attached to them, we consider it absurd that those who obtain benefices refuse or neglect to carry out their duties. We therefore revoke, with the approval of this sacred council, all dispensations, granted by any persons whomsoever claiming to be Roman pontiffs, to any persons elected to, confirmed in or provided to churches, monasteries, conventual priories, deaneries, archdeaconries or any other benefices for which a particular order ought to be bestowed, or to which one is attached, whereby the persons in question are dispensed from receiving the episcopal consecration or the abbatial blessing or the other orders that ought to be bestowed or are attached. This does not include, however, the dispensations granted according to the form of Boniface VIII's constitution beginning *Cum ex eo*. We decree that within six months from the publication of this our constitution, for those who are presently holding such appointments, and within the time laid down by the law for those who will hold them in the future, the persons concerned are to have themselves consecrated or blessed or promoted to some other required order. Otherwise they are deprived by the law itself of the said

¹ ch. 34 I 6 *Sext* (Fr 2, 964).

monasteriis, dignitatibus, personatibus, officiis et beneficiis praedictis* ipso iure privari, et aliis libere conferantur, aut provideatur de illis, ceteris constitutionibus circa hoc editis in suo robore duraturis.

De dtcineis et aliis oneribus^

Martinus, etc. Praecipimus et mandamus, iura, quae prohibent inferio- »
ribus a papa decimas et alia onera ecclesiis et personis ecclesiasticis
imponi, districtius observari. Per nos autem nullatenus imponentur
generaliter super totum clerum, nisi ex magna et ardua causa et utilitatę
universalem ecclesiam concernente, et de consilio, consensu et subscrip-
tione fratrum nostrorum sanctae Romanae ecclesiae cardinalium, et prae- ie
latorum, quorum consilium commode haberi poterit. Nec specialiter in
aliquo regno vel provincia, inconsultis praelatis illius regni vel provinciae
et ipsis non consentientibus, vel eorum maiori parte, et eo casu per per-
sonas ecclesiasticas et auctoritate apostolica dumtaxat leventur.

De řta et bantstaie cUricorum

15

Martinus, etc. Inter ceteros clericorum et praelatorum excessus hoc
maxime inolevit, quod spreta in vestibus forma ecclesiasticae honestatis,
plurimi delectantur esse deformes, et cupiunt laicis conformari et quidquid
mente gerunt, habitu profitentur. Unde praeter cetera, quae circa vestes,
tonsuram et habitus clericorum, tam in formis quam in coloribus, atque 20
comam seu capillos, vitamque et honestatem clericorum iura statuunt, et
quae nimium collapsa sunt tam in saecularibus quam in regularibus, sacro
approbante concilio innovamus, et praecipimus diligentius observari.
Ulum specialiter abusum, eodem approbante concilio, decernimus penitus 25
abolendum, quod in quibusdam partibus nonnulli clerici et personae
ecclesiasticae saeculares et regulares, etiam, quod magis exsecramur, prae-
lati ecclesiarum, manicas ad cubitum pendentes et longas cum magna et
sumptuosa superfluitate, vestes etiam scissas retro et in lateribus cum
foderaturis ultra oram excedentibus etiam in scissuris deferunt, et cum
talibus in ecclesiis cum suppelliciis ac aliis vestibus ad cultum et officium w
ecclesiasticum ordinatis, etiam intra ecclesias ipsas, in quibus bñficiat!
exsistunt, non verentur divinis officiis interesse. Hanc vestium defor-
mitatem in quibuscumque personis ecclesiasticis reprobamus, ac usum
talium inhibemus; contrarium autem facientes, ut transgressores cano-
num puniantur: specialiter statuentes, ut quicumque beneficiatus, aut »s
officium in ecclesia gerens, in habitu huiusmodi divinis officiis prae-
sumpserit interesse, pro qualibet vice a perceptione0 proventuum eccle-
siasticorum per mensem noverit se suspensum, fructusque illi fabricae
illius ecclesiae applicentur.

Martinus, etc. Decernimus et declaramus, sacro approbante concilio, per 4»
decreta, statuta et ordinata, tam lecta in praesenti sessione, quam con-

churches, monasteries, dignities, parsonages, offices and benefices. These may then be freely conferred on other persons or provision may be made for them. However, other published constitutions on this matter are to remain in force.

On tithes and other dues

Martin, etc. We command and order the strict observance of the laws which forbid tithes and other dues to be imposed on churches and ecclesiastics by persons lower than the pope. For ourselves, moreover, we shall in no way impose them generally on the whole clergy unless there is a grave and serious reason and an advantage for the universal church in doing so, and then with the advice, consent and written endorsement of our brothers, the cardinals of the holy Roman church, and the prelates whose advice can conveniently be obtained. This should not happen especially in any kingdom or province where the prelates in question, or the majority of them, have not been consulted or have not consented. In this way they may only be levied by ecclesiastics acting on the authority of the apostolic see.

On the life and probity of clerics

Martin, etc. Among the various faults of clerics and prelates this one has especially taken root, namely that many of them despise an appearance of ecclesiastical decency in their dress and delight in what is unbecoming. They seek to conform to the laity and they exhibit outwardly in their dress whatever they are thinking in their minds. Therefore, with the approval of this sacred council, we renew and order the careful observance of all the laws currently in force regarding the clothing, tonsure and habits of clerics, as to both shape and colour, and their hair-styles and the style and uprightness of their lives. These laws have been heeded far too little by both the secular and the regular clergy. Especially we order to be utterly abolished, with the same council's approval, the abuse whereby in certain regions some clerics and churchmen, both secular and regular, and even (which we deplore still more) prelates of churches, wear long gloves that are unnecessarily large and sumptuous, extending to their elbows, and clothes with slits at the back and sides, with furs covering the edges even of the slit parts. Moreover, they are not afraid to attend the divine offices in churches — even in the churches in which they are beneficed — in such clothes together with their surplices and other garments worn for worship and the church's services. We condemn this unbecoming way of dressing for all churchmen and we forbid the wearing of such garments. Those who do otherwise are to be punished as transgressors of the canons. We decree in particular that if any beneficed person, or any holder of an office in a church, dares to attend the divine office in such clothing, then he shall know that he is suspended from receiving his ecclesiastical incomes for one month for each such occasion, and the fruits of these incomes are to be applied to the fabric of the church in question.

Martin, etc. We decree and declare with the approval of this sacred council, that the demands of this same sacred council, regarding the articles contained in the

cordata cum singulis nationibus eiusdem concilii¹, et quae in nostra cancellaria poni volumus, et litteras in forma publica sub sigillo vicecancellarii nostri volentibus habere confici atque tradi, huic sacro concilio super articulis contentis in decreto super fienda reformatione, die sabbati
 5 30 mensis octobris proxime praeteriti promulgato², fuisse et esse iam satisfactum.

SESSIO XLIV

19 apr. 1418

[Decretum de loco futuri concilii proxime celebrandi]

Martinus, etc. Cupientes et etiam volentes decreto huius generalis concilii satisfacere³, inter alias disponenti, quod omnimode generalia
 io concilia celebrentur in loco quem summus pontifex per mensem ante finem huius concilii, approbante et consentiente concilio, deputare et assignare teneatur pro loco dicti proxime futuri concilii celebrandi a fine praesentis concilii¹ supradicti: eodem consentiente et approbante concilio, civitatem Papiensem tenore praesentium deputamus et etiam assi-
 15 gnamus, statuantes et decernentes, quod praelati, et alii qui ad generalia concilia debent conveneri, tempore praedicto civitatem ipsam Papiensem accedere teneantur. Nulli ergo ... Si quis autem ... Datum et actum Constantiae, in loco sessionis publicae ...

SESSIO XLV⁴

22 apr. 1418

[Sententia soluti concilii, cum indulgentiis concessis]

20 Martinus, etc. Hoc etiam requirente praesente sacro concilio, ex certis et rationabilibus et iustis causis ipsum concilium absolvimus, omnibusque et singulis in eo existentibus ad propria remeandi, ipso approbante concilio, licentiam impertimur. Item auctoritate Dei omnipotentis ac beatorum Petri et Pauli apostolorum eius, et nostra, concedimus omnibus et singulis, qui in hoc sacro concilio et causa ipsius interfuerunt, absolutionem plenariam in vita omnium peccatorum^b, semel ita

1 a fine ... concilii *om. Asd* b *om. Asd*

1 Concordata in concilio a Martino V cum natione Hispanica, Gallicana, Germanica, Anglicana edita sunt edam in *Raccolta di concordati su materie ecclesiastiche tra la S. Sede e le aatorilà civili*, a cura di A. Mercati, I Roma '1954, 144-168 (cf. H-L 7, 535-565).

* Sess. XL (v. supra p. 444).

» Sess. XXXIX (v. supra pp. 438-439).

4 In initio huius sessionis cum Poloni peterent ut solemniter confirmaretur condemnatio, a singulis nationibus sed non a concilio antea lata, doctrinae Ioannis Falckenberg de tyrannicidio ut haereticalis, haec fuit responsio papae Martini: *Quibus sic propositis, protestatis,*

reform decree promulgated on Saturday 30 October of last year², have been and are met by the various decrees, statutes and ordinances, both those which have been read out in this present session and those upon which agreement has been reached with the individual nations of the council¹ We wish these decrees, statutes and ordinances to be deposited in our chancellery and that letters in public form, under the seal of our vice-chancellor, be drawn up and handed over to those who wish to have them.

SESSION 44

19 April 1418

[Decree on the place of the next council]

Martin, etc. We wish and desire to put into effect a decree of this general council³ which lays down, among other things, that general councils must always be held in the place which the supreme pontiff, with the consent and approval of the council, is bound to depute and assign, within the month before the end of this council, as the place for the next council after the end of the present one. With the consent and approval of this present council, we therefore, by this present decree, depute and assign the city of Pavia for this purpose, and we ordain and decree that prelates and others who ought to be summoned to general councils are obliged to go to Pavia at the aforesaid time. Let nobody therefore ... If anyone however ... Given and enacted at Constance, in the place of this public session...

SESSION 454

22 April 1418

[Sentence dissolving the council, and the granting of indulgences]

Martin, etc. We dissolve the council, as the sacred council itself requires, for reasons that are certain, reasonable and just. We give permission, with the council's approval, to each and every person at the council to return home. Furthermore, on the authority of almighty God and of his blessed apostles Peter and Paul and on our authority, we grant to each and every person who has taken part in this sacred council and its business a full absolution of all his sins, once in

¹ Those agreed upon in the council by Martin V — with the Spanish, French, German and English nations — have also been published in *Raccolta di concordati su materie ecclesiastiche tra la S. Sede e le autorità civili*, edited by A. Mercati, I Roma 21954, 144-168 (see H-L 7, 535-565).

² Session 40 (see above p. 444). ³ Session 39 (see above pp. 438-439).

⁴ At the beginning of this session the Poles petitioned for a solemn confirmation of the condemnation as heretical of John Falckenberg's doctrine on tyrannicide. This doctrine had already been condemned by the individual nations but not by the council. Pope Martin's reply was as follows: *The aforesaid lord our pope said, in answer to these proposals, protestations,*

quod quilibet de praedictis infra duos menses postquam ad eius notitiam huiusmodi concessio pervenit, possit dictum beneficium absolutionis assequi in forma. Similem concessionem facimus in mortis articulo. Et intelligimus tam de dominis, quam de familiaribus eorundem: sic tamen, quod a die notitiae praesentium pro absolutione in vita ieiunent per s annum feria sexta, et pro absolutione in mortis articulo per alium annum, nisi legitime fuerint impediti, quo casu habeant alia opera pietatis peragere. Post secundum vero annum debeant etiam usque ad finem vitae feria sexta ieiunare, vel aliqua opera pietatis peragere. Nulli ergo ... Si quis autem... Datum et actum Constantiae in loco sessionis publicae..*. 10

requisitis et oblatis, praefatui dominus raster papa, cum nonnulli alii mullum dicerent et tumultum facerent, imposito omnibus silentio, dixit, respondendo ad praedicta, quod omnia et singula determinata ei conclsesa et decreta in materiis fidei per praesens sacrum concilium generale Constantiense conciliariter, tenere et inviolabiliter observare rolebat, ei nunquam contravenire quoquo modo. Ipsaque sic conciliariter facta approbat papa, omnia gesta in concilio conciliariter circa materiam fidei, et ratificat, et non aliter nec alio modo (Hardt 4, 1557).

his life, provided he takes advantage of the absolution in the correct form within two months of his hearing about it. We grant the same at the hour of death. This is to be understood as applying to both lords and members of their households; provided that they fast on each Friday for a year from the day they come to know of this indulgence, in the case of those who seek the absolution for while they are alive, and for another year in the case of those who seek it for the hour of death, unless they are legitimately prevented from doing so, in which case they should perform other pious works. After the second year, they ought to fast on Fridays until the end of their lives or to perform other pious works. Let nobody therefore... If anyone however... Given and enacted at Constance in the place of this public session ...

requests and suggestions, after silence had been imposed on all (since some were saying much and causing a disturbance), and by way of replying to the aforesaid points, that he wished to hold and inviolably observe, and never to contravene in any way, each and every thing that had been determined, concluded and decreed in a conciliar way, in matters offaith, by this present sacred general council of Constance. The pope approves the things done thus in a conciliar way, and he ratifies all things about matters of the faith that were done in the council in a conciliar way and not otherwise or in some other way (Hardt 4, 1557).

*Basel—Ferrara—
Florence—Rome
1431-1445*

INTRODUCTION

Basel had been designated as the place for this ecumenical council by the abortive council of Pavia — Siena (1423-1424). It was opened on 25 July 1431 by the papal legate, who had been appointed by Pope Martin V in two bulls dated 1 February 1431, *Dum onus universalis gregis* and *Nuper siquidem cupientes*, shortly before the pope's death on 20 February 1431. A great part of the council's work in the early years was taken up with its quarrel with Pope Eugenius IV, who was accused of wishing to dissolve or transfer the council. The prospect of re-union with the eastern church provided an opportunity to transfer the council to another city. This move was supported by the council fathers loyal to the pope, who however were in a minority, and in the 25th session they voted for the city of Ferrara. There the council was re-opened on 8 January 1438, Pope Eugenius IV later attending in person. Some historians doubt the ecumenicity of the first 25 sessions at Basel. All agree that the sessions held at Basel after the 25th session until the final one on 25 April 1449 cannot be regarded as sessions of an ecumenical council.

The Greek bishops and theologians attended the council of Ferrara from 9 April 1438. The council was transferred to Florence on 10 January 1439. There, in the session on 6 July 1439, the decree of union with the Greek church was approved. Subsequently decrees of union with the Armenian and Coptic churches were approved. Finally the council was transferred to Rome on 24 February 1443. There other decrees of union with the Bosnians, the Syrians and finally with the Chaldeans and Maronites of Cyprus, were approved. The last session of the council was held on 7 August 1445.

The decisions taken at Basel have the form of conciliar decrees. Those taken at Ferrara, Florence and Rome are almost always in the form of bulls, since the pope was presiding in person; in these cases the decree mentions the council's approval and contains the words "in a solemnly celebrated general session of the synod".

Almost all the decrees of re-union were of little effect. Nevertheless it is significant that the church's unity was discussed in a council attended by some eastern bishops and theologians, and that there was agreement on the principal dogmatic and disciplinary questions which had divided the two churches for many centuries.

The acts of the council of Basel were first published by S. Brant in Basel in 1499, with the title *Decreta concilii Basileensis* (= De). This collection was subsequently published by Z. Ferreri at Milan in 1511, and by J. Petit at Paris in 1512. Almost all later conciliar collections included the acts and decrees of the council of Basel, from Merlin to Mansi's *Amplissima collectio* (= Msi). A brief history of these collections was written in 1906 by H. Herre in his work entitled, *Handschriften und Drucke Baseler Konzilsakten*, in *Deutsche Reichstagsakten*

'inter Kaiser Sigmund, Part IV/1, 1431-1432, 10/1, Gottingen 1957, XCVI-CI. Another edition of the decrees of Basel is contained in John of Segovia's diary-, which is to be found in *Monumenta conciliorum generalium saeculi XV* (= Mxv). II Vienna 1873. *Editio Romana*, however, omits the council of Basci (see Labbe-Cossart XIII, n. 7; S. Kuttner, *L'Edition romaine des conciles généraux*, Rome 1940).

For Basel, we have followed the edition of Msi 29 (1788) 1-227. We have noted the principal variants in De and Mxv. We have omitted some decrees pertaining to internal matters of the council, to the quarrel with Eugenius IV and to administration; we have always noted the titles of these decrees in footnotes.

The decrees of Ferrara, Florence and Rome were first published by P. Crabbe (1538, 2, 754'-826). H. Justinianus subsequently published a more careful edition, *Acta sacri oecumenici concilii Florentini*, Rome 1638, which was followed by later collections until Msi 31 supplement (1901) (see V. Laurent, *L'édition princeps des actes du Concile de Florence*, Orient. Christ. Per. 21 (1955) 165-189, and J. Gill, *ibid.* 22 (1956) 223-225). The decrees are also to be found in *Monumenta conc. gen. saec. XV*, III-IV Vienna 1886-1935. We have followed the critical edition published by the Pontifical Oriental Institute, *Concilium Florentinum. Documenta et Scriptores* (= CF), Rome 1940-, and we have included the principal variants noted in it.

As regards the English translation, the following points should be noted where the original text is given in two languages, namely Latin and another. Where a Greek text is given (pp. 520-528), this is of equal authority with the parallel Latin version, and in the English translation the few significant discrepancies between the two texts have been noted. In the cases of Armenian and Arabic texts (pp. 534-559 and 567-583), these were translations from the Latin, which was the authoritative text, and therefore the English translation is from the Latin alone (the differences from the Latin in the Armenian and Arabic texts are numerous and complex). For these points, see J. Gill, *The Council of Florence*, Cambridge 1959, pp. 290-296, 308 and 326.

BIBLIOGRAPHY: H-L 7/2 (1916) 663-1052; DThC 2 (1905) 113-129 and 6 (1920) 24-50; DHGE 6 (1932) 356-362 and 17 (1971) 561-568; DDrC 2 (1937) 52-75; LThK 2 (T958) 23-25 and 4 (2196C) 174-177; RGG 5 (31961) 904-907; NCE 2 (1967) 141-142 and 5 (1967) 972-974; HC 4 (1980) 473-487; A. Patritius, *Summa Conciliorum Basileensis, Florentini, Lateranensis*, 1480 (= Hrd IX, 1081-1198); E. Cecconi, *Studi storia sui Concilio di Firenze*, I vols. Florence 1869; N. Valois, *Le Pape et le Concile (1418-50)*, 2 vols. Paris 1909; P. Lazarus, *Das Basler Konzil*, Berlin 1912; G. Hofmann, *Die Konzilsarbeit in Ferrara ... in Florenz ... in Rom*, Orient. Christ. Per. 3 (1937) 110-140, 403-455, 4 (1938) 157-188, 372-422, 15 (1949) 71-84; id., *Charakter der Sitzungen im Konzil von Florenz*, Orient. Christ. Per. 16 (1950) 358-376; J. Gill, *The Council of Florence*, Cambridge 1959; U. Fromherz, *Johannes von Segovia als Geschichtsschreiber des Konzils von Basel*, Basel 1960; E. Delaruelle — E. R. Labande — P. Ourliac, *Le grand schisme et la crise conciliaire (1378-1479)*, I—II Paris 1962-4 (Histoire de l'église 14); J. Gill, *Constance et Bâle-Florence*, Paris 1965 (Histoire des conciles 9); A. Black, *Monarchy and Community. Political Ideas in the Later Conciliar Controversy, 1430-1450*, Cambridge 1970; C. M. Crowder, *Unity, Heresy and Reform, 1378-1460; The Conciliar Response to the Great Schism*, London 1977; J. Stieber, *Pope Eugenius IV, the Council of Basel and the Secular and Ecclesiastical Authorities in the Empire*, Leiden 1978; A. Black, *Council and Commune: The Conciliar Movement and the Council of Basle*, London 1979; H. Sieben, *Traktate und Theorien zum Konzil, von Beginn des Grossen Schismas bis zum Vorabend der Reformation (1378-1521)*, Frankfurt 1983; J. Hussey, *The Orthodox Church in the Byzantine Empire*, Oxford 1986, 267-286.

TEXT AND TRANSLATION

SESSIO I

14 dec. 1431

[Decretum Constantiense de celebratione conciliorum] 4

Ad omnipotentis Dei gloriam, fidei catholicae exaltationem, christianae-
que religionis profectum, iaciens fundamentum inb *summo angulari lapide*
Cbristo lesu, in quo omnis aedificatio constructa crescit in templum sanctum in
*Dominot**, sacrosancta synodus Basileensis universalem ecclesiam reprae- 5
sentans, in Spiritu sancto legitime congregata, praesidente reverendissimo
in Christo patre domino Juliano, sanctae Romanae ecclesiae sancti Angeli
diacono cardinali, apostolicae sedis legato, attendens quod sacra generalis
synodus Constantiensis in Spiritu sancto celebrata, salubre existimans et
multimode fructuosum in sancta Dei ecclesia generalia concilia frequen- 10
tari, hoc suo decreto constituit huiusmodi sub tenore: *Frequens generalium*
conciliorum celebratio .. ?

Atque pro ipsius executione decreti civitas Papiae apud Italiam fuit
electa, pro generali concilio in fine tunc proxime sequentis quinquennii
celebrando. Quod quidem concilium suo decretoc tempore in dicta civitate 15
Papiensi celebrari extitit inchoatum, et inde certis ex causis ad civitatem
Senensem translatum. In quo quidem generali concilio Papiae inchoato,
et in Senensi civitate celebrato, haec Basileensis civitas pro celebratione
tunc futuri generalis concilii post septennium a fine ipsius Senensis
concilii celebrandi fuit electa et debite assignata, ut constat in instrumento 20
publico inde confecto huiusmodi seriei.³

[Stabilimentum sacri concilii Basileensis]

Ipse autem reverendissimus dominus legatus mandatum apostolicum
exequi cupiens, cum tempore, quo iam instabat celebrationem concilii
inchoari, circa expeditionem adversus pestiferam haeresim Hussitarum 25
esset pro causa fidei admodum occupatus, suos ad hanc civitatem vices
gerentes destinare curavit, ac postmodo, quamdtius fuit possibile, ad
praesentem civitatem accessit, ut iniunctum legationis officium posset in
celebratione huius generalis concilii, praestante divini numinis gratia,
adimplere, prout etiam sanctissimus dominus noster dominus Eugenius 30
divina providentia papa IV repetitis suae sanctitatis litteris sibi mandavit.
In qua civitate iam per tres menses et ultra cum praelatis et ceteris, qui
ad ipsam civitatem causa celebrationis dicti generalis concilii advenerunt,
quamplurimas congregationes fecit, habuitque tractatus super ipsius
stabilimento et celebratione concilii. Tandem decretum est praesentem m
solemnem fieri sessionem, in qua primum cum ex praemissis constet

4 om. De Mxv b in illo Mxv c debito Dc

1 Eph 2,20-21. * Cone. Const., sess. XXXIX (v. supra pp. 438-439).

1 Lectum est: *Instrumentum electionis deitatis Basileensis pro generali concilio celebrando factae*
19febr. 1424 Senis (Msi 29, 6-10).

SESSION 1
14 December 1431

[Decree of Constance on the celebration of councils]¹²

The holy synod of Basel, representing the universal church, legitimately assembled in the holy Spirit under the presidency of the most reverend father in Christ lord Julian, cardinal deacon of St Angelo of the holy Roman church, legate of the apostolic see, for the glory of almighty God, the exaltation of the catholic faith and the progress of the Christian religion, laying its foundation on *the cornerstone Christ Jesus, in whom the whole structure is joined together and grows into a holy temple in the Lord*¹, calls to mind that the holy general synod of Constance, celebrated in the holy Spirit, esteeming it salutary and beneficial that general councils should be frequent in the holy church of God, established this by its decree as follows: *The frequent holding of general councils .. ?*

Hence for the execution of that decree, the city of Pavia in Italy was chosen for the general council to be held at the end of the five years immediately following. At the decreed time that council was indeed inaugurated in the said city of Pavia and thence it was translated for certain reasons to the city of Siena. In that general council which was begun in Pavia and was held in the city of Siena, this city of Basel was chosen and duly assigned for the next future general council to be held after the seven-year period from the end of the council of Siena, as is stated in the public instrument then composed about this succession?

[Establishment of the holy council of Basel]

The most reverend lord legate in his desire to fulfil the apostolic commission, since at the time when the beginning of the council was imminent he was immersed in the expedition against the pestilential heresy of the Hussites for the sake of the faith, had his vicegerents despatched to this city and thereafter with all possible speed came himself to this city, in order that, with the help of God's grace, he might fulfil in this general council the office of legate laid upon him, as our most holy lord Eugenius IV, pope by divine providence, had by a series of letters of his holiness enjoined on him. In this city, during more than three months, he held several congregations with prelates and others who had arrived in the city for the said general council, and he had discussions about the establishment and holding of the council. Finally it was decreed that the present solemn session should be held, in which, firstly, since from the above it is manifest that this city is the place deputed for the general council and the date for

¹ heading omitted in Dc Mxv

¹ Eph 2, 20-21.

² Council of Constance, session 39 (see above pp. 438-439).

³ There was read out: *Instrument of the choice, made at Siena on 19 February 1424, of the city of Basel as the place for the general council* (Msi 29, 6-10).

aperte, quod haec civitas sit locus celebrationi generalis concilii deputatus, et adsit a iamdiu citra tempus ipsius concilii celebrandi, sacrosanctaeque sedis apostolicae non desit auctoritas, decernit, diffinit, et declarat, in hac civitate et loco esse generale concilium stabilitum canonice et
 5 fundatum, et quod ad eius celebrationem tenentur accedere omnes tam praelati, quam ceteri, qui de iure vel consuetudine ad generalia concilia accedere* sunt adstricti.

[Intentio concilii Basileensis] b

Ceterum cum unumquodque eo directius atque intensius suas dirigat
 10 actiones, quo ipsarum destinatum finem agnoscit, idcirco haec sancta synodus necessitates christianae religionis sedula meditatione recogitans matura et digesta deliberatione decernit, ad haec tria, eod, *a que? cuncta bona procedunt*¹, auctore Deod, toto sollicitudinis studio operam dare. Primo, ut omnium haeresum a christiani populi finibus tenebris pro-
 15 fugatis, lumen catholicae veritatis, Christo vera luce largiente, refulgeat. Secundo ut bellorum rabie, qua satore zizaniae seminante², in diversis partibus mundi affligitur et dissipatur populus christianus, congrua meditatione sedata, pacis auctore praestante, in statum reducatur pacificum et tranquillum. Tertio, ut cum multiplicibus vitiorum tribulis et
 » spinis Christi vinea iam quasi silvescat prae nimia densitate, ut illis debitae culturae studio resecatis, evangelico agricola caelitus operante³, refloreat, honestatisque fructus et honoris felici ubertate producat. Et quoniam absque caelestis influxu gratiae haec tam grandia bona sperari non possunt, omnes Christi fideles in Domino propensius exhortatur, ut ad obtinendam praemissorum consummationem felicem, devotis orationibus, ieiuniis et eleemosinis, apud maiestatem divinam diligenter insistant, ut pius et misericors Deus humilibus placatus obsequiis, optatam rerum consummationem huic sacro concilio sua pietate solita praestare dignetur, eis in remissionem suorum peccaminum hoc iniungens.⁴

SESSIO II

15 febr. 1432

80 Sacrosancta generalis synodus Basileensis, ecclesiam militantem repraesentans, ad perpetuam rei memoriam. Ad laudem Dei omnipotentis, ac

• *om. Mxv*

b De tribus in unoquoque concilio generali expediendis, scilicet extirpacio haeresum, refbrmacio morum et pacihcacio Christianorum *MXV*

35 c dirigit Afxr d *om. De* c a quibus *Dc*

1 Collecta Dom. V post Pascha. 1 Cf. Mt 13, 24-30. · Cf. Io 15,1-2.

4 In hac sessione deliberatum est etiam: *De modo seu gestu in concilio et sessione, De honoribus, De impedimento venientium ad coneilium, Contra invasores seu spoliatores accedentium ad concilium, vel recedentium de illo* (cf. cone. Const., sess. XV), *De impediens concilium, De fructibus beneficiorum percipiendis per supposita concilii, De officialibus concilii.*

it to be held is already past, and the authority of the most holy apostolic see is not lacking, it decrees, defines and declares that in this city and place the general council is canonically fixed and founded, and that all, both prelates and others who by right or custom are obliged to attend general councils, are bound to come to its celebration.

[Purpose of the council of Basel]^b

Seeing that all things direct their actions more immediately and intensely the more knowledge they have of their destined purpose, so this holy synod, after intense meditation and thought on the needs of the Christian religion and after mature and ordered deliberation, decrees that, with the help of *God from whom all good things come*¹, it will pursue with all its zeal and attention these three ends. First that, with the banishment of the darkness of all heresies from the bounds of the Christian people, the light of catholic truth, by the generosity of Christ the true light, may be resplendent. Secondly that, after due thought and with the help of the author of peace, the Christian people, freed from the madness of wars by which — with the sower of weeds doing his work² — it is affected and divided in various parts of the world, may be brought back to a peaceful and tranquil state. Thirdly, as the vine of Christ has already almost run wild on account of the multitude of thistles and thorns of vices crowding in upon it, to cut them back through the endeavour of necessary cultivation, with the work from on high of the evangelical husbandman³, so that it may flourish again and produce with happy abundance the fruits of virtue and esteem. Since such great benefits as these cannot be hoped for without a generous flow of heavenly grace, it earnestly exhorts in the Lord all Christ's faithful that for the happy achievement of the aforesaid they should urge the divine majesty with devout prayers, fasts and almsgiving that the good and merciful God, placated by such humble submission, may deign with his accustomed goodness to grant to this sacred council the desired completion of all these things, imposing this on them unto the remission of their sins.⁴

SESSION 2

15 February 1432

The holy general synod of Basel, representing the church militant, for an everlasting record. To the praise of almighty God and the glory and honour of

^h Concerning three matters which are to be dealt with in every general council, namely the extirpation of heresies, the reform of morals and peace among Christians *heading in Mxv*

¹ Collect of the fifth Sunday after Easter.

² See Mt 13, 24-30. ³ See Jn 15, 1-2.

⁴ In this session there were also decreed: *On procedure and behaviour in the council and during a session, On honours, On impeding those coming to the council, Against those who plunder or despoil persons coming to or returning from the council* (see council of Constance, session 15), *On those who impede the council, On members of the council receiving the fruits of benefices, On officials of the council.*

benedictae individuaeque Trinitatis gloriam et honorem, pro haeresum atque errorum extirpatione, morum in capite et in membris ecclesiae Dei reformatione, ac regum et regnorum ceterorumque christicolarum ad invicem, auctore discordiarum procurante, dissidentium pacificatione, in Spiritu sancto legitime congregata, decernit, statuit, diffinit, declarat, & et ordinat, ut sequitur.

[Decretum, quod concilium Basileense est legitime inchoatum]

Et primo, quod eadem sacra Basileensis synodus, sacris Constantiensi et Senensi conciliis generalibus decernentibus atque ordinantibus, et auctoritate apostolica interveniente, fuit et est in hoc loco Basileensi debite 10 legitimeque ac rite initiata et congregata. Et ne de eiusdem sacrae Basileensis synodi potestate a quoquam dubitetur, ipsa eadem synodus duas declarationes ex decretis synodi Constantiensis in praesenti sessione, aliis suis decretis editis seu edendis inserendas, ordinat, et decernit, quarum quidem declarationem tenor primae sequitur, et est talis: *Et primo is declarat. . .** Alterius vero tenor sequitur in haec verba: *Item declarat. . .*[†] Praemissis igitur et nonnullis aliis Constantiensis concilii, praesertim capituli quod incipit, *Frequens*, in priori huius sacrae synodi Basileensis sessione recitati, decretis attentis, praelibata synodus Basileensis decernit et declarat, quod ipsa pro haeresum extirpatione ac morum generali 20 reformatione ecclesiae in capite et in membris, nec non pace inter Christianos procuranda, ut praemittitur, in Spiritu sancto legitime congregata, per nullum quavis auctoritate, etiamsi papali dignitate praefulgeat, dissolvi aut ad alium locum transferri, seu ad aliud tempus prorogari debuit, aut potuit, debet, aut potest, debebit, aut poterit in futurum, 25 absque eiusdem synodi Basileensis deliberatione et consensu.²

SESSIO III

29 apr. 1432

[Decernitur dissolutionem concilii nullatenus fieri posse] b 3

Consideransque haec sancta synodus praefatam dissolutionem concilii contra decreta Constantiensis concilii esse factam, tendereque in eversionis fidei grave periculum, et status ecclesiastici turbationem et so detrimentum, atque scandalum totius populi christiani, eandem dissolutionem decrevit nullatenus fieri potuisse: quinimmo, ipsa minime obsi-

a om, Dc Mxv b om, Mxv c perturbationem Dc

¹ Conc. Const., sess. V (v. supra p. 409).

¹ In hac sessione deliberatum est etiam: *Quod personae concilii non debeant extra concilium trahi, vel impediri* et *Quod bi qui tenentur intéressé concilio non recedant sine licentia*.

¹ In hac sessione primo relatum est de mutuis nexibus inter concilium et Eugenium IV, qui consilii auctor fuit concilii solvendi.

the blessed and undivided Trinity, for the extirpation of heresies and errors, for the reformation of morals in head and members of the church of God, and for the pacification of kings and kingdoms and other Christians in discord among themselves through the instigation of the author of discords, the synod, legitimately assembled in the holy Spirit, decrees, establishes, defines, declares and ordains as follows.

[Decree that the council of Basel is legitimately begun].*

First, that the same sacred synod of Basel, by the decrees and ordinances of the sacred general councils of Constance and of Siena, and by the action of apostolic authority, was and is duly and legitimately begun and assembled in this place of Basel. And lest anyone should doubt about the power of the same sacred synod of Basel, this same synod in this present session ordains and decrees that two declarations from the decrees of the synod of Constance are to be inserted among its other decrees already issued or to be issued. The text of the first of these declarations is as follows, *First it declares...*¹; that of the other is this, *Next it declares...*² Therefore, presupposing also some other decrees of the council of Constance, especially the one beginning *The frequent*, which were read out in a former session of this sacred synod of Basel, the said synod of Basel decrees and declares that, legitimately assembled in the holy Spirit, for the extirpation of heresies and a general reformation of morals in the church in head and members, and also for procuring peace among Christians, as is stated above, no one of whatever authority, even if he is distinguished by the dignity of the papacy, could or should have in the past, or can or ought to now or in the future, dissolve or transfer the said synod of Basel to another locality or prorogue it to another date without the deliberation and consent of the same synod of Basel².

SESSION 3

29 April 1432

[Impossibility of the dissolution of the council is decreed]⁸³

This holy council, considering that the aforesaid dissolution of the council was enacted contrary to the decrees of the council of Constance, and that it leads to a serious danger of subversion of the faith as well as disturbance and harm for the state of the church and scandal for the whole Christian people, decreed that the dissolution could not be made. Since, therefore, the dissolution is no obstacle at all, the prosecution of what has been praiseworthily set in motion for

¹ heading omitted in *Dc Mxv* ^b heading omitted in *Mxv*

¹ Council of Constance, session 5 (see above, p. 409).

² In this session there were also decreed: *Members of the council ought not to be drawn away from the council or impeded* and *Those who are bound to attend the council may not leave without permission*.

³ In this session a report was first made on relations between the council and Eugenius IV, who had been trying to dissolve the council.

stente, ad prosecutionem eorum quae pro fidei stabilitate et salute
 christiani populi laudabiliter sunt incepta, esse cum Spiritus sancti gratia
 procedendum. Verum cum redeuntibus praefatis episcopo Lausanensi et
 decano Traiectensi, optata responsio a sanctissimo domino papa^{*} non
 » fuerit reportata, licet non solum a praedictis concilii oratoribus ipsius
 concilii nomine, sed etiam a serenissimo domino Sigismundo rege
 Romanorum fidei ecclesiae advocato, praefatus sanctissimus dominus
 papa supplicatus, interpellatus, requisitus, rogatus fuerit, et totis nisibus
 multiplicatis vicibus obsecratus, idcirco haec sancta synodus innitens
 io decretis sacri Constantiensis concilii, quorum verba haec sunt: *Quod sancta*
synodus..,¹ in hac solemni sessione ipsum sanctissimum dominum papam,
 nec non reverendissimos dominos cardinales modo et forma infra scriptis
 interpellare decrevit. Haec igitur sancta synodus in Spiritu sancto legitime
 congregata, praedictum beatissimum dominum papam Eugenium cum
 is omni reverentia et instantia supplicat, et per viscera misericordiae² Iesu
 Christi exorat, requirit, et obtestatur^{l'}, ac monet quatenus praetensam
 dissolutionem, sicut de facto processit, de facto revocet, et ipsam revo-
 cationem, quemadmodum ex dissolutionem fecit, per diversas mundi
 panes transmittat et publicet, ab omnique impedimento dicti concilii
 μ penitus desistat. Quinimmo eidem, ut debet, faveat et assistat; omniaque
 praebeat subsidia et auxilia opportuna, nec non infra trium mensium
 spatium; quod ad hoc pro termino peremptorio praefigit et assignat, si
 corporalis ipsius dispositio patiatur, personaliter veniat. Sine autem,
 personam vel personas loco et vice sui destinet et transmittat cum plenaria
 25 potestate, ad omnia et singula in hoc concilio peragenda usque ad totalem
 ipsius conclusionem, per omnes et singulos actus gradatim et successive.
 Alioquin si haec sanctitas sua facere neglexerit, quod de Christi vicario
 non est aliququaliter sperandum, sancta synodus, prout iustum fuerit et
 Spiritus sanctus dictaverit, necessitatibus ecclesiae providere curabit, et
 » procedet secundum quod iuris fuerit divini pariter et humani. Similiter
 praefatos reverendissimos dominos cardinales, qui tanquam principales
 ecclesiae Dei cardines ad haec ferventius intendere debent, exorat,
 requirit, obtestatur^{l"} et admonet, quatenus cum praefato domino papa
 super praedictis sollicitant⁰ instantiam faciant, huicque sacro concilio
 35 faveant, assistant, et auxilientur modis omnibus opportunis. Et cum prae-
 sentia ipsorum, pro eorum auctoritate magnaue prudentia et experientia
 rerum, sit huic sacro concilio plurimum opportuna, ipsos dominos car-
 dinales, et quemlibet eorum, requirit, monet, et citat, quatenus infra
 spatium trium mensium ab intimatione praesentium, quem terminum
 «0 pro trina ac canonica monitione praecise et peremptorie praefigit et
 assignat, ad dictum sacrum concilium generale veniant, canonico impe-
 dimento cessante: alioquin, cum eorum negligentia ad ipsum sacrum
 generale concilium veniendi, ut tantis necessitatibus ecclesiae succurratur,

* a ... papa *om.* *Mxv* b obsecratur *Mxr* c Sui *Dc* d soli *ru.* *Mxv*

¹ Cone. ConsL, sess. V (v. supra p. 410 n. 1). ¹ Cf. Le 1, 78.

the stability of the faith and the salvation of the Christian people should, with the grace of the holy Spirit, be proceeded with. But since the aforesaid bishop of Lausanne and the dean of Utrecht, on their return, did not bring back from the most holy lord pope the desired reply, although the said most holy lord pope had been entreated, appealed to, required, requested and with every insistence very often implored not only by the aforesaid messengers in the name of the council but also by the most serene lord Sigismund, king of the Romans and loyal supporter of the church, so this holy synod, relying on the decrees of the sacred council of Constance, whose words are these, *That the holy synod* ..

decreed in this solemn session to make its demands to the most holy lord pope and also to the most reverend lord cardinals in the way and style as follows.

This holy synod, therefore, legitimately assembled in the holy Spirit, beseeches the aforesaid most blessed lord pope Eugenius with all reverence and insistence and through the tender mercy² of Jesus Christ entreats, requires, implores and warns him to revoke in fact the alleged dissolution as in fact it was issued, and in the same way as he made the dissolution to send and publish over the different parts of the world the revocation, and completely to desist from every obstacle against the said council: indeed more, to favour and assist the council, as is his duty, and to offer it every support and opportune help, and to come in person within three months — an interval which it assigns and determines as a peremptory limit — if his physical state so allows. But if it does not, in his place and stead he should nominate some person or persons and send them with plenary power for each and every question in this council up to its very end, through each and all of its acts gradually and successively. Otherwise, if his holiness should fail to do this, which is a thing that in no way is to be expected of the vicar of Christ, the holy synod will see to it that provision is made for the necessities of the church as shall seem just and as the holy Spirit shall dictate, and will proceed in accordance with what befits both divine and human law.

In the same way it beseeches, requires, implores and warns the aforesaid most reverend lord cardinals, who as the chief hinges of the church of God should apply their minds with great fervour to these things, that they should bring earnest pressure to bear on the lord pope about the aforesaid things, and should favour, aid and help this sacred council in every opportune way. And since their presence, in view of their authority, great prudence and practical experience, is highly expedient for this sacred council, it requires and warns and cites the lord cardinals and each of them in particular that, canonical impediment ceasing, they shall come to the said council within three months from the notification by this present decree, which interval it precisely and peremptorily assigns and determines for the triple canonical monition. Otherwise, since failure to come to the sacred general council so as to aid the church in its great necessities will without

¹ Council of Constance, session 5 (see above p. 410 n.1). ² See Lk 1, 78.

in periculum gravis iacturae fidei catholicae totiusque ecclesiae detrimen-
tum censeatur procul dubio redundare; haec sancta synodus, lapso
termino supradicto, contra eos qui venire neglexerint, eorum exigente
contumacia, procedet, prout divini pariter et humani dictaverit et per-
miserit ordo iuris, et necessitatibus ecclesiae Altissimo largiente providere' 5
curabit. In praemissis autem dicta synodus reverendissimum dominum
cardinalem sanctae Crucis, quamdiu tractatibus pacis regnorum Franciae
et Angliae insistet, includere non intendit, atque quoad reverendissimos
dominos cardinales, Placentinum et de Fuxo vulgariter nominatos, et
cardinalem sancti Eustachii, cum in propinquioribus locis existant, ad 10
duorum spatium mensium restringit terminum supradictum. Mandat
insuper haec sancta synodus universis et singulis dominis patriarchis,
archiepiscopis, episcopis, et aliis ecclesiarum praelatis, clericisque, nota-
riis, et personis ecclesiasticis, nec non aliis Christi fidelibus, cuiuscumque
status, dignitatis, gradus et conditionis existant, omnesque et singulos is
principes et dominos, etiamsi imperiali, regali, ducali, seu quavis alia
praefulgeant potestate, requirit, et rogat, qui pro praemissis fuerint
requisiti, seu requisitus, in virtute sanctae obedientiae ac obtestatione
divini iudicii, et sub poena excommunicationis, quatenus praedicta omnia
et singula dicto sanctissimo domino papae, atque reverendissimis dominis 20
cardinalibus insinuent, intiment, et notificent, ac intimari, et insinuari,
seu notificari faciant personaliter eisdem, si ad eos tutus et accommodus
pateat accessus. Sin autem, ei vel illis, ad quos personaliter accedendi
facultas non sit, in eorum habitationibus, nec non in porta palatii aposto-
lici et in ecclesiis sancti Ioannis Lateranensis, sancti Petri et sanctae
Mariae Maioris de Urbe, perb publicum notarium confectas affigendo, si
hoc tute fieri possit. Sin autem, in principalibus ecclesiis civitatum
Sutrinae, Viterbii, et Senensis, vel aliarum trium civitatum vicinarum, de
quibus fuerit bene visum. Quae quidem loca haec sancta synodus decern-
nis esse idonea pro exeeutione omnium praemissorum. Et nihilo minus 30
haec sancta synodus futuris cupiens obviare casibus, ut omnis evitetur
dispendiosus circuitus, cum rebus, de quibus agitur, supra modum peri-
culosa sit mora, ordinat et decernit, huiusmodi admonitionis et citationis
decretum, postquam in hac solemni sessione lectum fuerit^d et publicatum,
ecclesiae cathedralis Basileensis valvis affigi, ut si forte contingat ipsius
intimation ^{Mii} exequi non posse modo aliquo praemissorum, eo casu ex
nunc tanquam publico edicto, ad quatuor mensium spatium ab hac die in
antea computandum, censeatur quoad omnes eius effectus facta insinuatio,
monitio et citatio, sicque suos omnes effectus sortiri, et arctare eos quibus
dirigitur, decernit, ac si personaliter insinuatam et praesentatum fuisset, 40
viribus' peremptoriis et comminationibus^f suprascriptis hic habitis pro
insertis. Insuper haec sancta synodus declarat et protestatur, quod nihilo
minus praedictis dilationibus pendentibus, cum iam praecesserit a iure
vocatio ex decreto concilii Constantiensis, rerumque necessitas id sua-

» perinde *De* b copias per *Dc Mxv* c decrevit *Dc* d fuit *Dc*
e iuribus *Mxv* t communicadonibus *Dc*

doubt be judged as contributing to the danger of a serious challenge to the catholic faith and to the harm of the whole church, this holy council at the expiry of the stated interval will take proceedings against those who have failed to come, since their contumacy demands this, according as the order of divine as well as human law shall dictate and allow, and will take steps, with the help of the most High, to provide for the necessities of the church. In the aforesaid, however, the said synod has no intention of including the most reverend lord cardinal of holy Cross as long as he is engaged in negotiations for peace between the kingdoms of France and England; but in respect of the most reverend lord cardinals of Plasencia and of Foix, as they are commonly called, and the cardinal of St Eustathius, since they are in nearer localities, it limits the above-mentioned interval to two months.

Further the holy synod orders all lord patriarchs, archbishops, bishops and other prelates of churches, and clerics, notaries and ecclesiastical personages, as also other faithful of Christ, of every status, dignity, grade and condition, and it requires and requests all princes and lords, even if they possess imperial, regal, ducal or any other authority, who shall have been requested regarding the above, that in virtue of holy obedience, under threat of the divine judgment and under pain of excommunication, they should report, intimate and notify all and each of the aforesaid things to the said most holy lord pope and to the most reverend lord cardinals, and should have them reported, intimated and notified to these people in person, if they have safe and convenient access to them. Where personal access is not possible, this is to be done by affixing notices drawn up by a public notary, if this can be done safely, to their residences and also on the door of the apostolic palace and on the churches of St John Lateran, St Peter's and St Mary Maggiore; or failing that, on the chief churches of the cities of Sutri, Viterbo and Siena, or three other neighbouring cities, as it shall seem better. This holy synod decrees that these places are suitable for the execution of all the aforementioned.

Yet this holy synod, desiring to meeting future eventualities and to avoid all waste of time, since delay in these matters is fraught with danger, ordains and decrees that a decree of admonition and citation of this kind, after it has been read out in this solemn session and published, shall be affixed to the doors of the cathedral church of Basel so that, should it happen that its intimation cannot be effected in any of the ways outlined above, in that case, as by a public edict, for four months to be calculated from this day, the publication, monition and citation shall be considered as performed in respect of all its effects, so that all its effects are obtained and it binds those to whom it is directed as if it had been insinuated and presented in person, the above peremptory force and threats being considered here as inserted.

Further, this holy council declares and insists that, despite the aforesaid delays, since a legal summons has already been issued by the decrees of the council of Constance, and since the urgency of the situation suggests the following, as does also the nature of what is to be accomplished in the continua-

deat, et qualitas agendorum in ulteriore prosecutione concilii et agendis in eo, procedere intendit ordinate, debite, ac mature, nec propterea supersedere aliquo in processu. Tandem haec sancta synodus decernit citationes contra omnes praelatos, et alios qui ad generale concilium venire tenentur, omnesque et singulos generales ordinum quorumcumque ac etiam inquisitores haereticae pravitatis, sub dilatione termini, seu terminorum, de quibus deputatis fuerit bene visum, cum poenis et censuris et clausulis opportunis.

SESSIO IV

20 iun. 1432

[Salvus conductus Bohemorum]

10 Sacrosancta generalis synodus Basileensis, in Spiritu sancto legitime congregata, universalem ecclesiam repraesentans. Tenore praesentium significamus¹ universis, quod omnibus et singulis sacerdotibus, baronibus, nobilibus, militaribus, popularibus, et aliis quibuscumque viris, cuiuscumque status, conditionis aut qualitatis existant, de regno Bohemiae, et marchionatu Moraviae, de Praga, et civitatibus, ac aliis locis eorumdem, et omnibus aliis ecclesiasticis et saecularibus personis, qui aut quae una cum ipsis ad generale Basileense concilium mittentur, ac profecturi existunt, omnibus eorum personis, quocumque nomine censeantur, aut valeant nuncupari, infra tamen numerum ducentarum personarum, tenore praesentium, nostrum plenissimum ac perfectum salvum conductum concedimus atque damus, verissimamque securitatem veniendi ad hanc civitatem Basileensem, ibidemque manendi, standi, morandi, nobiscumque de quibusvis negotiis opportunis ipsis commissis tractandi, placitandi, disponendi, concludendi, et terminandi, impartimur: ac in loco vel in locis hospitiorum suorum divina officia sine impedimento nostrorum peragere permittimus; sic etiam, ut propter illorum praesentiam neque in itinere, neque in alio loco itineris, in eundo, manendo, aut redeundo, neque in ipsa civitate Basileensi, a divinis officiis cessetur quovis modo per modum interdicti. Caeterum in generali concilio seu synodo Basileensi articulos quatuor, pro quorum claritate instant, ore tenus aut in scriptis libere poterunt offerre, aut propalare, scripturis sacris, beatorumque doctorum verbis, sententiis et rationibus eos declarare, adstruere, persuadere, et, si opus fuerit, etiam ad obiecta concilii generalis respondere, aut cum aliquo vel aliquibus de concilio super eisdem disputare, aut caritative absque omni impedimento conferre, obprobrio, convicio aut contumelia procul motis, servatis forma et modis inter nostros legatos, et nuntios praedictorum regni et marchionatus in Egrensi civitate specificatis et uniformiter conclusis: et signanter, quod in causis quatuor articulorum per eos attentorum, lex divina, praxis Christi

40 a datus ambasiatoribus regni Bohemie et marchionatu Moraviae *Dc*

b recognoscimus *Dc Mxv* « disputandi *Dc* d causis *Dc*

tion of the council and of the things to be done in it, it means to proceed in an orderly, due and mature manner, and for that reason not to be remiss in any way in the process. Lastly, this holy synod decrees citations for all prelates and others who are obliged to come to a general council, and each and all generals of orders and also inquisitors of heresy, with the delay of a fixed term or terms as it shall seem good to the deputies, with penalties and censures and suitable conditions.

SESSION 4

20 June 1432

[Safe-conduct¹ for the Bohemians]

The holy general synod of Basel, legitimately assembled in the holy Spirit, representing the universal church. By this decree we indicate to all that to each and every priest, baron, noble, soldier and citizen and every other man of whatever status, condition or rank from the kingdom of Bohemia and the marquisate of Moravia, from Prague and the cities and other places of the same, and to all other ecclesiastical and secular persons who, male or female, will be sent with them to the general council of Basel and are about to set out, to all these persons under whatever name they are listed or can be called, within however the number of two hundred persons, by the force of this present decree we grant and give our fullest and perfect safe-conduct and we bestow a most genuine security for their coming to this city of Basel and their abiding, staying and resting here, and for their treating with us on affairs suitably committed to them and their arranging, concluding and ending them. We allow them to perform the divine offices in their lodgings without any obstacle on our part; so that also, on account of their presence, neither on their journey nor in any other place of their journey, in coming, remaining or returning, nor in the city itself of Basel, will cessation from divine offices be imposed in any way in the form of an interdict.

Further, they will be allowed freely to propose and explain in the general council or synod of Basel, by word of mouth or in writing, the four articles on whose clarity they insist; to prove, support and recommend them with quotations from the sacred scriptures and the blessed doctors and, if need be, to reply to the objections of the general synod or to argue about them with one or several from the council or to discuss them in a charitable way without any impediment; with reproach, abuse and taunt being totally excluded, observing the form and the ways specified and mutually agreed between our envoys and the messengers of the aforesaid kingdom and marquisate in the city of Eger; and specifically that in the case of the four articles proposed by them, the divine law, the apostolic practice of Christ and of the primitive church, and the councils and doctors truly

¹ given to the ambassadors of the kingdom of Bohemia and of the marquisate of Moravia *Dc*

apostolica et ecclesiae primitivae, una cum conciliis doctoribusque fundantibus se veraciter in eadem, pro verissimo' et indifférente iudice in hoc Basileensi concilio admittentur. Et illis peractis vel non peractis, quandocumque de mandato aut consensu suorum maiorum ad propria reverti optabunt, aut aliquis eorum optabit, mox absque ulla renitentia, i occasione et mora, salvis rebus illorum et suorum pariter honore, et personis, vice versa poterint, vel poterit, iuxta beneplacitum libere et secure redire, de scitu tamen deputandorum per concilium, ut pro tunc oportune securitati eorum provideatur sine dolo et fraude. Nihilominus in hoc eorum salvo conductu omnes quascumque clausulas includi ac contineri volumus, ac pro inclusis haberi, quae pro plena et efficaci et sufficienti securitate in eundo, stando, ac redeundo, necessariae sunt et opportunae, haec notante?' propter bonum pacis procurandum et observandum luculenter expressantes. Quod si quispiam aut aliqui ex illis, sive in itinere ad nos in Basileam veniendo, sive ibidem demorando aut redeundo, aliquod enorme, quod absit, egerit aut egerint, per quod posset assecurationis eorum beneficium eis aut eorum alicui concessum annullari aut cassari, volumus etiam, ac admittimus, et concedimus, ut talis vel tales in facinore huiusmodi deprehensi vel deprehensus ab ipsis duntaxat, et non ab aliis, condigna animadversione cum emenda sufficienti, per partem nostram merito approbanda et laudanda, mox puniatur aut puniantur, illorum assecurationis forma, conditionibus et modis omnino manentibus illibatis. Et pariformiter, si quispiam, vel aliqui ex nostris, sive in itinere ad nos in Basileam veniendo, sive ibidem demorando, aut redeundo, aliquod enorme, quod absit, egerit, aut egerint, per quod posset assecurationis ipsorum beneficium eis aut alicui eorum concessum, annullari aut cassari, volumus ut talis vel tales in facinore huiusmodi deprehensi, a nobis aut a nostris duntaxat, et non ab aliis, condigna animadversione, cum emenda sufficienti, per partem dominorum ambaxiatorum et nuntiorum merito approbanda et laudanda, mox puniatur aut puniantur, praesenti assecurationis forma, conditionibus et modis omnino manentibus illibatis. Volumus etiam, quod liceat ipsis ambaxiatoribus omnibus et singulis toties quotiescumque opportunum fuerit seu necessarium ad auram capiendam exire de civitate Basileensi, et reverti ad eandem, nec non nuntium vel nuntios suos ad quaecumque loca pro suis necessariis negotiis' ordinandis libere mittere seu destinare, ac ipsos missos seu destinatos, seu missum et destinatum, suscipere toties quoties eis videbitur expedire, ita quod aliqui vel aliquis per deputandos concilii socientur, qui eorum securitati provideant vel provideat. Insuper nec in sermonibus, seu praedicationibus publicis aut aliis collationibus, in praeiudicium, derogationem seu deteriorationem, causae ipsorum quatuor articulorum, pars nostra terminis quibuslibet in confusionem vergentibus, poterit aut debet uti et potiri in loco civitatis Basileensis. Qui quidem salvus conductus et securitates stare ac durare debent, et a tempore, et per tempus, quo in nostrae et nostrorum tuitionis curam ipsos suscipi

* veracissimo *Mxv* b notantur *Mxv* c om. *Mxv*

founding themselves on the same, will be accepted in the council of Basel as the most true and impartial judge. Whether these discussions are or are not brought to a conclusion, whenever by the order or permission of their superiors they, or any one of them, shall choose to return home, then straightaway, without any refusal, condition or delay, they may return freely and safely at their pleasure, with their goods, honour and persons intact, but with the knowledge of the deputies of the council so that suitable provision may be made, without guile or fraud, for their safety.

Moreover, in this safe-conduct of theirs we wish all clauses to be included and contained, and to be held as included, which are necessary and opportune for full, efficacious and sufficient safety in coming, staying and returning; we express these things clearly in order to secure and keep the good of peace. If any one or several of them, whether coming on their journey to us in Basel or while staying here or on their return, shall commit (may it not be so) some heinous crime by which the benefit of security conceded to them could be annulled and quashed, we wish, admit and concede that those arrested in a deed of such sort shall straightaway be punished only by their own people, not by others, by an adequate censure and a sufficient penalty to be approved and praised by us, with the form, conditions and ways of their security remaining completely unimpaired. Similarly if any of ours, whether on their way to us in Basel or while staying here or returning, shall commit (may it not be so) some heinous crime through which the benefit of the security conceded to them could be annulled or quashed, we wish that those arrested in a crime of this sort shall straightaway be punished only by us and our people, not by others, by an adequate censure and a sufficient penalty to be approved and praised by the lord ambassadors and envoys, with the present form, conditions and ways of the security remaining completely unimpaired.

We wish also that it be allowed to each and every ambassador as often as it is opportune or necessary, to leave the city of Basel in order to take the air and to return to it, and freely to send and despatch their messengers to any place for the arrangement of necessary affairs and to receive a messenger or messengers as often as it suits them, in such a way that they are accompanied by the deputies of the council who will provide for their safety. Further, neither in discussions, public sermons or other conferences can or may our side, in prejudice, derogation or depreciation of the case of the four articles, employ or procure in the locality of the city of Basel any terms that tend to disorder. These safe-conducts and assurances are to remain in force from the moment when, and for as long as, they are received into the care of our protection, to be brought to Basel, and in all

contigerit, et usque ad Basileam perducī, ac toto tempore mansionis eorum ibidem, et rursum post sufficientem audientiam habitam, spatio viginti dierum praemisso, cum ipsi petierint, aut concilium habita huiusmodi audientia ipsis recessum indixerit, a Basilea usque in Tuscam*, Tatoniam, aut Englisburg, in quem ex locis istis maluerint, Deo favente restituemus, dolo et fraude prorsus exclusis. Etiam pro universis et singulis Christi fidelibus, et specialiter pro sanctissimo domino Romano pontifice, pro serenissimo principe domino Sigismundo Romanorum, etc., rege, ac venerabilibus dominis cardinalibus, archiepiscopis, et episcopis, ac dominis abbatibus, praelatis, et clericis, nec non illustrissimis principibus, regibus, ducibus, marchionibus, comitibus, baronibus, et nobilibus militibus, universitatibus, et communitatibus civitatum, castrorum et villarum, earumque consulibus, scabinis, officialibus, et aliis cuiuscumque conditionis, et status, ecclesiastici vel saecularis, existant, quocumque nomine censeantur, et pro subditis omnium praemissorum et pro tota parte eorundem, promittimus bona fide et spondemus, quod nos omnes et singuli praedicti praescriptam assecurationem et salvoconductus eorum formam in omnibus suis conditionibus, punctis, et clausulis superius expressatis, inviolabiliter et inconcusse bona fide et puro corde observabimus et custodiemus, observabunt et custodient. Insuper promittentes sine fraude et quolibet dolo, quod nolumus, neque debemus, occulte vel manifeste, quacumque occasione praetensa, uti aliqua auctoritate, vel potentia, iure, statuto, vel privilegio legum vel canonum, et quorumcumque conciliorum, specialiter Constantiensis et Senensis quacumque forma verborum expressa, in aliquo ¹ praeiudicium salvoconductui, seu assecurationi, ac publicae audientiae, ipsis per nos concessae vel concessio. Quod si nos aut aliquis ex nobis, vel nobisb, cuiuscumque conditionis vel status, aut praeeminentiae existens, praescriptae assecurationis et salvoconductus formam et modum, in quocumque puncto vel clausula violaverit, quod tamen avertere dignetur Omnipotens, et sufficiens emenda non fuerit mox subsecuta, et ipsorum arbitrio merito approbanda et laudanda, habeant nos et habere poterunt incidisse in omnes poenas, quas iure divino et humano, aut consuetudine, huiusmodi salvorum conductuum violatores incurrere possunt, absque omni excusatione, aut quavis in hac parte contradictione.¹

[Quod sedente concilio, va[•]Hi te sede apostolica,
extra concilium non procedatur ad electionem] c

Sacrosancta generalis synodus Basileensis, in Spiritu sancto legitime congregata, universalem ecclesiam repraesentans, attendens, quod ad

40 > aut *add. Mxv* b nostris *Mxv* c *In Msi ad decretum* Dudum haec sessionis VII

¹ In hac sessione lecta est edam: *Epistola Bobemis missa super conslusione in Egra sancta*; et deliberatum est: *Ne vi iuramenti aut promissionis alicuifactae aliqui astrictos se putent ut ad concilium venire non possint* et *Quod papa, durante concilio, non possit creare cardinales, nec creatos publicare.*

(he period of their staying here: and again on the conclusion of a sufficient hearing, an interval of twenty days having been set in advance, when they shall request it, or after the hearing the council shall decide, we shall, with God's help and without any guile or fraud, let them return from Basel to Tuschkau, Tachov or Engelsberg, to whichever of these places they prefer to go.

Also for all of Christ's faithful, especially for the most holy lord the Roman pontiff, the most serene prince the lord Sigismund, king of the Romans etc., the venerable lord cardinals, archbishops and bishops and lord abbots, prelates and clerics as well as for the most illustrious princes, kings, dukes, marquises, counts, barons and noble soldiers, universities, and communities of cities, castles and towns, and their councillors, magistrates, officials and others of whatever condition and status, whether ecclesiastical or secular, under whatever name they go, and for the subjects of all the aforesaid and every part of them, we promise in good faith and guarantee that all of us and every one of the aforesaid persons will observe and guard the prescribed security and the form of their safe-conduct in all its conditions, points and clauses elaborated above, inviolably and unbroken in good faith and with pure heart. Further, we promise that we neither wish nor ought on any alleged occasion, covertly or overtly, to employ any authority, power, law, statute or privilege of laws or canons or of any councils whatever, especially of Constance and Siena, in whatever form of words they may be expressed, to any prejudice of the safe-conduct or assurance and the public hearing which we have granted to them. But if we or anyone of us, of whatever condition or status or pre-eminence, shall violate in any detail or clause the form and way of the above assurance and safe-conduct (which, however, may the Almighty deign to avert), and a suitable penalty shall not have followed straightaway, to be fittingly approved and praised by their judgment, let them hold us, as indeed they can, to have incurred all penalties which by divine and human law or by custom violators of such safe-conducts incur, without any excuse or any challenge from this side.†

[If the apostolic see becomes vacant while the council is in progress, the election may not be held outside the council^

The holy general synod of Basel, legitimately assembled in the holy Spirit, representing the universal church, bears in mind that it pertains to the duty of

c This heading comes in Msi before the decree Dudum haec (Earlier this) of 7th session.

† In this session there was also read out: *Letter sent to the Bohemians about the holy agreement at Eger*; and there were decreed: *Nobody may consider himself unable to come to the council because of an oath or a promise made to anyone* and *The pope may not, during the council, create cardinals or make public those created.*

providentiae spectat officium, perspicaci consideratione futura prospicere, et adversus ea quae reipublicae possent inferre dispendia salubriter providere; cum itaque eadem sancta synodus ad extirpationem haeresum, pacem in Christi populo, et morum reformationem cum Spiritus sancti gratia, prout, statu rerum et temporum considerato, est admodum necessarium, sit intenta, et propterea venerabiles in Christo patres sanctae Romanae ecclesiae cardinales ad ipsum sacrum concilium evocaverit, existimans eorum in sacro concilio praesentiam pro eorum auctoritate, sapientia, rerumque notitia, multimode fructuosam: eisque tanquam veris obedientiae filiis ad sacrum concilium venientibus, si alibi contingeret apostolicae sedis vacatio, in iacturam eorum qui obedientes vacationis* sacri concilii deservirent, utilitati ecclesiae posset redundare cum tamen ut obedientia non iacturam afferat, sed potius utilitatis et honoris augmentum, ratio cunctis nota suadeat; et ne aliquibus forsitan venire negligentibus prodesse inobedientia videatur, haec et alia quae animum cuiuscumque prudentis ad hoc movere possent et deberent, provida attentione prospiciens haec sancta synodus, statuit, decernit, atque diffinit, quod in eventum vacationis sedis apostolicae, hoc sacro generali durante concilio, electio summi pontificis in loco istius sacri concilii fiat, et interdicat ne alibi celebretur. In contrarium attentata quavis auctoritate, etiamsi papali, non obstantibus quibuscumque constitutionibus editis vel edendis, aut aliis in contrarium facientibus, ac si de ipsis esset de verbo ad verbum facienda mentio specialis, aut iuramento firmata existant, quibus ex certa scientia derogat, et decernit, nulla et irrita esse, nulliusque roboris vel momenti ipso iure: contrarium vero attentantes, sint tam active quam passive, quoad electionem Romani pontificis, et ad quascumque alias dignitates inhabiles, et omnibus habitis dignitatibus perpetuo privati, et infamiae notam ac etiam excommunicationis sententiam incurrant ipso facto. Quod si forsitan aliqua de facto praetensa electio praesumeretur, tam electus praetensus, quam illi adhaerentes, et eum pro tali gerentes, supradictas poenas incurrant pari modo. Absolutionem vero omnium et singulorum, qui praemissas sententias aut earum aliquam incurrerint quoquomodo, dicta synodus tantummodo, praeterquam in mortis articulo, sibi reservat. Decernens praesens decretum ligare, afficere, vim et effectum habere atque sortiri, post quadraginta dies continuos proxime secuturos a die publicationis eiusdem.

SESSIO V

9 aug. 1432

[In hac sessione approbatae sunt regulae spectantes ad rationem disciplinamque disponendi et ordinandi concilium: *De causis et procuratore fidei; Deputantur iudices ad examinandum causas generaliter; Ne incorporati trahantur ad iudicium extra locum huius concilii; Officarii constituuntur.*]

» vexationem *Dc* b monere *Dc* « quo *add. Dc* d faturos *Dc*

providence to foresee the future with clear-sighted consideration and to take wholesome steps against what could bring harm to the common good. The synod is intent upon the extirpation of heresies, peace among the people of Christ and the reformation of morals, with the grace of the holy Spirit, as is really necessary in view of the present situation. It has summoned the venerable fathers in Christ, the cardinals of the holy Roman church, to this sacred council, convinced that their presence at it is fruitful in many ways in view of their authority, wisdom and knowledge of affairs. If, then, as obedient sons they are coming to the council when the apostolic see falls vacant elsewhere, such a situation would redound to the benefit of the church but the obedient cardinals would be serving the council to their own disadvantage, whereas everyone knows that obedience should bring with it not disadvantage but an increase of benefit and honour. Lest disobedience may seem to be to the advantage of some who fail to come, this holy synod, with purposeful anticipation and for the above and other reasons which can and should motivate a prudent mind, establishes, decrees and defines that, in the event of a vacancy of the apostolic see while this sacred council is in progress, the election of the supreme pontiff shall be held in the place of this sacred council, and it forbids it to be held elsewhere. The synod also decrees that any attempt against this by any authority whatsoever, be it even papal, notwithstanding any constitutions issued or to be issued or anything else acting to the contrary, even if there should be special mention in so many words or a confirmation on oath, which the synod rejects with full knowledge, is null and void and of no force or importance by law; and that those who attempt such things shall be disqualified in both active and passive voice with respect to the election of a Roman pontiff and for every other dignity, and deprived perpetually of all dignities which they hold, and shall automatically incur the mark of infamy as well as sentence of excommunication. If any such pretended election should be attempted, then both the one allegedly elected and his supporters as well as those who treat him as elected incur in the same way the above-mentioned penalties. The said synod reserves to itself, except at the moment of death, absolution of everyone who in any way shall incur the said sentences or any one of them. It declares that the present decree shall bind and come into force after forty days following its publication.

SESSION 5

9 August 1432

[In this session there were approved rules about the organization of the council: *On cases and the procurator of the faith; Judges are deputed for the general examination of cases; That members of the council may not be brought to trial outside the place of this council; Officials are appointed.*]

SESSIO VI

6 sept. 1432

[Sessio haec omnino egit de lectione *Petitionis quam promoiores concilii dant contra papam et cardinales.*]

SESSIO VII

6 nov. 1432

[Terminus ad electionem papatus] *

Sacrosancta generalis synodus Basileensis, in Spiritu sancto legitime congregata, universalem ecclesiam repraesentans, ad perpetuam rei memoriam. Dudum haec sancta synodus super electione Romani pontificis, in casu vacationis sedis apostolicae, hoc sacro durante concilio, quoddam edidit decretum huiusmodi sub tenore: *Ad providentiae spectat officium* . . . ut ad longum continetur et de verbo ad verbum in quarta sessione. Cum
 5 autem ex eodem decreto apud aliquos orta sit dubitationis occasio, ne tempus decem dierum at intrandum conclave prefinium sanctae Romanae ecclesiae cardinalibus per constitutionem editam in generali concilio Lugdunensil, saltem a tempore note vacationis in loco huius concilii curreret et artaret, quod nimis rigidum videtur, et terminus nimis brevis propter
 10 multos ex eisdem cardinalibus, qui a loco ipsius concilii esse possent in remotis locis absentes, haec sancta synodus cupiens omnem dubitationis materiam amputare, et ad ea quae ad pacem et unitatem sanctae Dei ecclesiae accomoda sunt vigilantibus studio providere, et tam in hiis quam in omnibus quae fidei catholicae exaltationem generalemque re-
 20 formationem et pacem populi christiani concernere dinoscuntur, pro quibus est in Spiritu sancto legitime congregata, cum omni modestia debitaque maturitate procedere, presentis decreti tenore decernit, quod in casu vacationis sedis apostolicae present! concilio durante ante LX dies a die vacationis continue computandos, ad electionem Romani pon-
 25 tificis minime procedatur.²

SESSIO VIII

18 dec. 1432

[Decretum quod unicum debet esse concilium] b

Sacrosancta generalis synodus Basileensis, in Spiritu sancto legitime congregata, universalem ecclesiam repraesentans, ad perpetuam rei memo-

a *add. Mxv* b *om. Dc*

¹ Cone. Lugd. II, c. 2 (v. supra p. 315,1).

¹ In hac sessione etiam decretum est: *Quod papa non disponat de beneficiis cardinalium et Pro* rogationem temporis cardinalium veniendi ad concilium tempore vacationis papatus.*

SESSION 6

6 September 1432

[This session was devoted to reading: *Petition of the promoters of the council against the pope and the cardinals.*]

SESSION 7

6 November 1432

[Interval for a papal election]*

The most holy general synod of Basel, legitimately assembled in the holy Spirit, representing the universal church, for an everlasting record. Earlier this holy synod issued a decree about the election of a Roman pontiff if a vacancy of the apostolic see occurs during this sacred council. It is entitled, *It pertains to the duty of providence*,¹ and is to be found in full in the fourth session. However, a doubt about that decree has occurred to some, namely that the interval of ten days which the constitution of the council of Lyons¹ fixed for the cardinals of the holy Roman church to enter the conclave, might elapse and be too restricted, at least by the time that notification of the vacancy reaches this council. For, the interval would seem to be too rigid and too short for many of the cardinals who may be away in localities distant from this council. Moreover this holy synod wishes to eliminate all grounds for doubt and to provide carefully for what is conducive to the peace and unity of God's holy church, and with all modesty and due maturity to proceed with what is known in this matter, as in all things, to promote the exaltation of the catholic faith and the general reformation and peace of the Christian people, for which the council is legitimately assembled in the holy Spirit. It therefore decrees that in the case of a vacancy of the apostolic see in the lifetime of this present council, nothing shall be done for the election of a Roman pontiff before the expiry of sixty days from the day of the vacancy.^{2*}

SESSION 8

18 December 1432

[Decree that there ought to be only one council]⁶

The most holy general synod of Basel, legitimately assembled in the holy Spirit, representing the universal church, for an everlasting record. Just as there is only

¹ heading added in Mxv ⁶ heading omitted in Dc

¹ Council of Lyons II, const. 2 (see above p. 315).

² In this session there were also decreed: *The pope may not dispose of the benefices of cardinals* and *Extension of the time for cardinals to come to the council if the papacy becomes vacant.*

riam. Sicut unica est ecclesia sancta catholica, Christo ipsius sponso-
 dicente: *Una est columba mea, dilecta mea*¹, et fidei articulo hoc profitente,
 cum unitas divisionem non capiat; sic esse non potest nisi unicum gene-
 rale concilium, ipsam sanctam ecclesiam catholicam repraesentans. Cum
 ergo in hac civitate Basileensi decretis sacrorum generalium conciliorum 5
 Constanuensis et Senensis, et duorum Romanorum approbatione pon-
 tificum, scilicet felicitis recordationis Martini V et Eugenii IV, generale
 concilium institutum et stabilitum sit, et in Spiritu sancto legitime con-
 gregatum, isto durante concilio constat aliud generale concilium alibi
 esse non posse. Quicumque igitur hoc sacro durante concilio aliam con- 10
 gregationem sub nomine generalis concilii erigere aut facere praesump-
 serit, non catholicae ecclesiae concilium, sed schismaticorum conven-
 ticulum erigere aut facere convincitur. Idcirco haec sancta synodus omnes
 Christi fideles, cuiuscumque status aut dignitatis, etiamsi papalis, impe-
 rialis, vel regalis, existant, sub obtestatione divini iudicii, quod in Core, 15
 Dathan et Abiron auctoribus schismatis scriptura sacra commemorat^l,
 admonet et hortatur, et in virtute sanctae obedientiae, et sub poenis contra
 schismaticos a iure indictis, districte praecipit atque mandat, ne hoc sacro
 durante concilio aliam congregationem sub nomine generalis concilii,
 quae revera non esset concilium, facere, aut congregare, nec ad ipsam 20
 tanquam ad generale concilium, etiam praetextu cuiuscumque promissio-
 nis aut iuramenti, accedere vel interesse, aut recurrere quoquo modo,
 neque pro concilio generali habere, reputare, aut etiam nominare prae-
 sumant, etiamsi iam indictum praetendatur, sive in futuro indici atten-
 tetur. Si qua vero persona ecclesiastica, etiamsi sanctae Romanae eccle- 25
 siae cardinalis, aut alia quaecumque cuiusvis status, gradus, aut conditio-
 nis, existât, Bononiam vel ad aliquem locum sub nomine generalis con-
 cilii, isto durante praesumat accedere, vel ibi manere, sententiam excom-
 municationis et privationis omnium beneficiorum, dignitatum, et offi-
 ciorum, et inhabitationis* ad ipsa, incurrat ipso facto. Et de dignitatibus, 30
 officiis et beneficiis talium, per eos ad quos de iure spectat, etiamsi cathé-
 drales aut metropolitanae ecclesiae fuerint, libere disponatur.³

SESSIO IX

22 ian. 1433

[Haec sessio omnino consumpta est in solemniter accipiendo imperatore Sigismundo.]

a inhabitationis *Dc*

¹ Cn 6, 8. ³ Cf. Nm 16.

³ In hac sessione praeterea lectum est monitum ad Eugenium IV ut abrogaret decretum solvendi concilii et Basileam veniret cum cardinalibus; decretum autem est: *Pro incorporatis, quod eorum beneficia conferri non possunt per papam vel alium; Quod papa non potest imponere novas gabellas in terras Romanae ecclesiae, et De non alienandis terris ecclesiae.*

one holy catholic church, as Christ her spouse says, *My dove, my perfect one, is only one*,¹ and as an article of the faith declares, since unity does not tolerate division, so there can be only one general council representing the holy catholic church. Since, therefore, by decrees of the sacred general councils of Constance and of Siena and by the approval of two Roman pontiffs, namely Martin V and Eugenius IV of happy memory, a general council was instituted and established in this city of Basel and assembled legitimately in the holy Spirit, it is clear that during this council another general council cannot exist elsewhere. Whoever, therefore, during the lifetime of this sacred council shall presume to raise and hold another assembly with the title of a general council, is convicted of raising and holding a conventicle of schismatics and not a council of the catholic church. Therefore this holy council warns and exhorts all Christ's faithful, of whatever status or rank they may be, even if papal, imperial or regal, under the adjuration of the divine judgment which holy scripture relates in the case of Korah, Dathan and Abiram², authors of schism, and it strictly commands and forbids them in virtue of holy obedience and under the penalties laid down by the law, not to hold or summon, during this sacred council, another assembly with the title of a general council, which in reality would not be a council, nor to go to or to take part in or in any way to have recourse to it as if it were a general council, even under the pretext of any promise or oath, nor to hold or esteem it to be or even to call it a general council, even if it claims to have been summoned or shall try in the future to be summoned. If any ecclesiastical person, even a cardinal of the holy Roman church, or anyone else of whatever status, rank or condition he may be, shall dare to go to or stay in Bologna or any place with a pretended general council, during this present council, he shall automatically incur sentence of excommunication and deprivation of all benefices, dignities and offices and disqualification from them; and the dignities, offices and benefices of such persons may be freely disposed of by those to whom this pertains by law, even if they be cathedral or metropolitan churches.³

SESSION 9

22 January 1433

[This session was entirely taken up with the solemn reception of the emperor Sigismund.]

¹ Sg 6, 8. ² See Nm 16.

³ In this session there was also read out a warning to Eugenius IV to abrogate the decree dissolving the council and to come to Basel with the cardinals; and there were decreed: *The benefices of members of the council cannot be conferred by the pope or another person; The pope cannot impose new taxes in the lands of the Roman church, and On not alienating lands of the church.*

SESSIO X

19 febr. 1433

[Haec sessio omnino fere acta est in legenda: *Accusatione contumaciae papae.*]

SESSIO XI

27 apr. 1433

[Ad perpetuum robur auctoritatis generalium conciliorum] *

Sacrosancta generalis synodus Basileensis, in Spiritu sancto legitime congregata, universalem ecclesiam repraesentans, ad perpetuam rei memoriam. Quoniam frequens generalium conciliorum celebratio, tanquam agri Dominici praecipua cultura, universalem ecclesiae statum concernit, ideo summa cum diligentia intendendum est, ut cunctis obstaculis, quae tam salubrem institutionem impedire possent, accurate obvietur. Inhaerens igitur haec sancta synodus ordinationi decreti concilii Constantiensis, quod incipit *Frequens*¹, cupiensque ne scelerata, quae, prohi dolori, diebus nostris contigerunt, futuris temporibus in perniciem ecclesiae repullulent, statuit et decernit ut Romanus pontifex, qui primus in vinea Domini laborare, et alios suo exemplo ad laborandum trahere tenetur, per se vel legatum de latere aut legatos, eligendum, vel eligendos, de consilio et assensu non auriculari duarum partium cardinalium, in conciliis generalibus debeat intēressē: nec non omnes et singulae personae ecclesiasticae, quae de iure vel consuetudine² generalibus conciliis adesse debent, deinceps ad ipsa generalia concilia tam vigore ipsius constitutionis *Frequens*¹ indicta, quam huius sacri concilii Basileensis, vel alterius futuri legitime congregati auctoritate indicenda, sine alia vocatione venire personaliter adstringantur, nisi legitimo detineantur impedimento: quo casu personas idoneas cum sufficienti mandato destinare teneantur. Quod si ipse Romanus pontifex, et aliae praedictae personae, hoc facere neglexerint, aut ipsum concilium quoquo modo de facto impedire, mutare, prorogare, dissolvere, operam dederint, et infra quatuor menses cum reali satisfactione non resipuerint, ex tunc Romanus pontifex a papali, et praedictae personae a suarum dignitatum administratione sint ipso facto suspensi. Quae quidem papalis administratio ad sacrum concilium ipso iure devolvatur. Quod si poenas praedictas per duos menses post dictos quatuor animo sustinuerint indurato, contra tam Romanum pontificem, quam praedictas personas, usque ad privationem inclusive, per concilium generale procedatur.

¹ add. *Mxv* ² in add. *Dc Mxv*

¹ Cone. Const., sess. XXXIX (v. supra pp. 438-439).

SESSION 10

19 February 1433

[This session was almost entirely taken up with reading: *Accusation of contumacy of the pope.*]

SESSION 11

27 April 1433

[For the permanent validity of the authority of general councils]⁴

The holy general council of Basel, legitimately assembled in the holy Spirit, representing the universal church, for an everlasting record. Since the frequent holding of general councils, as a principal means of cultivating the Lord's field, affects the universal church, every effort should be made that all obstacles that could impede so holy an institution are removed with great care. Hence this holy synod, obeying the decree of the council of Constance beginning *The frequent'*, and anxious that no scandals such as unhappily have occurred in our day should spring up again in the future, to the detriment of the church, establishes and decrees that the Roman pontiff, who ought to be the first in working in the Lord's vineyard and in drawing others to work by his example, should take part in general councils in person or by a legate or legates *a latere* who is or are to be chosen in consultation with and with the consent — which is not to be just by word of mouth — of two-thirds of the cardinals. Also, all ecclesiastical persons who by law or custom ought to attend general councils are bound henceforward to come in person without further summons to general councils, both by force of the constitution *The frequent'* and by the authority of this sacred council of Basel or of some other future council legitimately assembled, unless they are prevented by a legitimate impediment, in which case they are bound to send suitable persons with a sufficient mandate. If the Roman pontiff or other above-mentioned persons fail to do this, or in any way take means to impede, change, prorogue or dissolve the council, and shall not have repented with real satisfaction within four months, thereafter the pope will be automatically suspended from the papal administration and the other persons from the administration of their dignities; the papal administration will devolve by law upon the sacred council. If they persist with hardened hearts under the aforesaid penalties for a further two months after the said four months, then the general council shall proceed against both the Roman pontiff and the above-mentioned persons up to and including the penalty of deprivation.

* heading added in Mxv

¹ Council of Constance, session 39 (see above pp. 438-439).

[Quod liberum sit cuilibet venire -ad concilium]⁴

Statuit quoque haec sancta synodus, ut non obstante quacumque etiam Romani pontificis prohibitione, omnibus quibuscumque⁴, cuiuscumque status et conditionis existant, etiamsi sint sanctae Romanae ecclesiae cardinales, liberum sit ad generalia concilia proficisci. Quodque ipse Romanus pontifex ad ipsa concilia generalia accedere volentibus, et praesertim praedictis cardinalibus, licentiam, si petierint, impertiri teneatur.

[Declarat³ concilium verbum de prorogatione concilii, et cassat attentata in contrarium, vel attentanda in futurum]

Declarat quoque haec sancta synodus verba illa videlicet „nullatenus pro-
rogetur", in dicto decreto posita, ita prohibitive intelligi, ut etiam per papam prorogari non possit: quodque concilium actu congregatum dissolvi aut de loco ad locum mutare, sine ipsius concilii expresso consensu, per Romanum pontificem nullatenus possit: cassatque, irritat, et annullat, si quid forsitan contra haec vel etiam in derogationem aut impedimentum ipsius concilii generalis, personarumque et praelatorum ac suppositorum eiusdem, per privationem, translationem, censurasque ecclesiasticas, vel aliter quomodolibet in futurum contigerit attentari.

[Quod non dissolvatur aut mutetur concilium, nisi de consensu duarum partium cuiuslibet deputationis, etc.]³

Statuitque ex certis rationabilibus causis, ut praesens Basileense concilium per neminem, etiamsi papalis fuerit dignitatis, dissolvi, aut de loco ad locum mutari possit, nisi de expresso consensu duarum partium cuiuslibet deputationis, votis singulorum scrutatis, subsequentique approbatione duarum partium congregationis generalis, similiter scrutatis votis singulorum³ ac demum in sessione publica facta declaratione. Obsecratque per viscera misericordiae¹ Iesu Christi, et per aspersionem sui sanguinis pretiosi² omnia supposita huius sacri concilii tam praesentia quam futura obtestatur*, ut ante completam reformationem in capite et in membris, quantum rationabilius⁰ fieri poterit, nullatenus dissolutioni consensum praestent, nec loci mutationem fieri permittant, nisi ex causis iustis et manifestis.

[Quod locus concilii eligatur per mensem ante dissolutionem, et declaratur verbum illud, „in decennium"]³

Iuxta ipsius Constantiensis concilii ordinationem, vult omnino saltem per mensem ante tempus dissolutionis eligi locum pro futuro celebrando

» *om. Dc Mxv* b *impartiri Mxv* c *om. Mxv*
d *rationabilibus Dc; rationabiliter Afxp*

¹ Cf. Lc1,78. » Cf. Heb 12,24; 1 Pt 1,2.

[That everybody is *free* to come to the council]¹

This holy synod decrees that, notwithstanding any prohibition, even from the Roman pontiff, there is freedom for absolutely all persons, of whatsoever status or condition they may be, even if they are cardinals of the Roman church, to go to general councils; and that the Roman pontiff is bound to grant permission to those who wish to go to general councils, especially to the aforesaid cardinals, if they request it.

[The council explains the phrase about prorogation of the council, and annuls attempts to the contrary, including future attempts]

This holy synod also declares that those words “it may never be prorogued”, contained in the said decree, are to be understood so prohibitively that it cannot be prorogued even by a pope, and that a council actually assembled cannot be dissolved or moved from place to place by a Roman pontiff without the express consent of the council itself; and it quashes, voids and annuls anything that may be attempted in the future against this or even in disparagement or obstruction of this general council or of the persons, prelates and supporters of it, by deprivation, translation and ecclesiastical censures or in any other way.

[That the council may not be dissolved or moved without the express consent of two-thirds of each deputation, etc.]⁴

For certain reasonable causes it decrees that the present council of Basel cannot be dissolved or moved from place to place by anybody, even by the pope, unless there is obtained the express consent of two-thirds of each deputation, after a scrutiny of the votes of individual members, and then the approval of two-thirds of the general congregation, after a similar scrutiny of the votes of individual members, and finally a declaration is to be made in a public session. It prays through the tender mercy¹ of Jesus Christ, and by the sprinkling of his precious blood" it adjures all members of this sacred council, both present and future, that in no way they give their consent to a dissolution or allow a change of place, except for just and manifest reasons, before the reform in head and members has been completed, in so far as this can reasonably be achieved.

[That the place of the council should be chosen a month before the dissolution, and the phrase “in ten years” is clarified]

In accordance with the ordinance of the council of Constance, it wishes that the place of the future council should be chosen at least a month before the date of the dissolution. It also declares, as a precaution, that the phrase “in ten years”

¹ *heading omitted in Dc Mxv*

¹ See Lk 1,78. ² See Heb 12, 24; 1 Pt 1, 2.

concilio, declaratque ad abundantem cautelam, verbum illud, „in decennium*’, in praedicta positum constitutione, sic intelligi debere, ut decennium totaliter compleatur, et eo integro completo ex tunc facultatem concilii generalis celebrandi incipere. Quod si casu aliquo contingat eos, 5 qui conciliis generalibus intéressé tenentur, in principio temporis non advenire, declarat non propterea dictam concilii celebrandi facultatem expirare, sed* ut quanto citius commode fieri poterit, celebretur. Ne autem diu differre possit, statuit, ut per viginti dies ante praedictum decennii tempus completum, vel aliud, si forsan ex causa per concilium 10 praefigi contingat, Romanus pontifex per se vel legatum aut legatos suos, nec non archiepiscopus, in cuius provincia vel dioecesi fuerit concilium celebrandum, et omnes praelati vicini loco celebrationis concilii per quatuor diaetas vulgares, cessante impedimento canonico, in propriis personis, vel eo obsistente per viros idoneos ad hoc vicarios constitutos, adesse 15 teneantur, ut de loci dispositione, et aliis praeparatoriis concilii valeant habere tractatum. Die autem inchoationis concilii generalis praefinita, hi qui ibidem fuerint, missam de Spiritu sancto solemniter celebrent, et concilium ex eo die stabilitum et inchoatum esse efficaciter censeatur. Verum propter multas necessitates quae contingere possunt venientibus ad concilium, exhortatur haec sancta synodus eos qui tunc praesentes fuerint, 20 ut ad ardua negotia concludenda, nisi decenti expectatione absentium moderata, congruo intervallo temporis non procedant, sed sic divino timore praevio procedatur in cunctis cum debita gravitate, sicut tanta magnitudo negotiorum universalis ecclesiae exigit et requirit. In his autem casibus in quibus, secundum statutum decreti Constantiensis, papae licet locum futuri concilii de consensu sanctae Romanae ecclesiae cardinalium mutare, statuit ut, si papa id facere negligat, collegium cardinalium hoc suppleat, ita tamen ut duae partes ipsorum cardinalium consentiant, servando nihilo minus modum qui in dicto capitulo *Frequens*¹ 30 continetur. Ipsam autem loci mutationem, si fieri, contingat, iurabunt dicti cardinales, secundum Deum et conscientiam suam, illam facere, et ex causis manifestis in capitulo *Frequens* contentis.

[Quod electores papae ante ingressum conclavis lurent, quod, si quis eorum eligatur, servabit dicta decreta]c

35 Ut praemissa facilius executioni demandentur, statuit ipsa sancta synodus, quod electores Romani pontificis ante ingressum conclavis iurare Deoque et ecclesiae promittere teneantur, quod, si contingat aliquem ex eis in papam assumi, praemissa supradicta decreta, statuta et ordinata servabit, et pro posse adimplere realiter et cum effectum curabit, adiiciens 40 quod quicumque in Romanum pontificem futuris deinceps temporibus assumetur, inter alia quae profiteri debet, iuxta decretum concilii Con-

» si *Dc* b maturitate *Mxv* c om. *Dc Mxv*

1 Cone. Const., sess. XXXIX (v. supra pp. 438-439).

which is used in the said constitution should be understood in this way, namely that the ten years should be completely finished, and when it is fully completed the authorization to hold a general council begins. If it happens for any reason that those who are obliged to attend general councils do not come at the beginning, it declares that the said authorization to hold the council does not thereby cease, but that it should be held as soon as it conveniently can. But so that it cannot be deferred for a long time, this council decrees that for twenty days before the end of the said ten years, or of some other interval if perhaps this should reasonably be determined by the council, the Roman pontiff in person or through his legate or legates, and the archbishop in whose province or diocese the council is to be held and all the prelates who are within four days' journey of the place of the forthcoming council, provided there is no canonical impediment, in person or, if that cannot be, through suitable men constituted as proxies for this purpose, are obliged to present themselves so as to negotiate about the disposition of the place and other preliminaries of the council. On the day appointed for the opening of the council, those present shall celebrate a solemn mass of the holy Spirit, and the council shall be considered constituted and begun from that day. However, on account of the many necessities that can occur for those coming to a council, this holy synod exhorts those who shall be present not to bring difficult questions to a conclusion until after a reasonable wait for those absent and a fitting interval of time; rather, with divine fear as a guide, let everything proceed with due gravity, as the great mass of business of the universal church demands and requires. In those cases in which, according to the decree of Constance, the pope may, with the consent of the cardinals of the holy Roman church, change the place of a future council, it determines that, should the pope fail to do this, the college of cardinals may supply for the defect, on condition however that two-thirds of the cardinals agree, keeping nevertheless to the procedure contained in the said decree *The frequent*. The said cardinals shall swear by God and their consciences that they are making the change of place, if indeed they decide this, for the clear reasons that are mentioned in the decree *The frequent*.

[That the electors of a pope before entering the conclave shall swear that, if one of them is elected, he will observe the said decrees]

So that the aforesaid may be put into execution the more easily, the holy synod determines that the electors of a Roman pontiff are bound, before entering the conclave, to swear to God and to promise the church that, should one of them be chosen as pope, he wlll observe the above decrees, statutes and ordinances, and to the best of his ability will endeavour to fulfil them really and effectively; adding that whoever in future years shall be chosen as Roman pontiff must swear, among the other things which he must profess according to the decree of

c heading omitted in Dc Mxv

1 Council of Constance, session 39 (see above pp. 438-439).

stantiensis, quod incipit: *Quanto Romanus pontifex*¹ iuret etiam praesens decretum efficaciter observare. Quam quidem professionem teneatur postea in primo publico consistorio de novo facere, profiteaturque, si eorum quae in hoc decreto continentur fuerit violator, nec non ratione cuiuslibet notorii criminis ecclesiam scandalizantis, iudicio generalis concilii se esse subiectum. Hancque professionem tam ipse quam collegium cardinalium inserant litteris, quas de nova assumptione papae per orbem de more transmittent.

[Quod publicetur hoc decretum in synodis]²*

Ut tam salutaris ac necessarii decreti nullus possit ignorantiam praetendere, mandat haec sancta synodus in virtute sanctae obedientiae omnibus metropolitanis episcopi, ut in provincialibus et synodalibus conciliis praelatis religionum in suis capitulis generalibus huiusmodi decretum legi faciant et publicari.²

SESSIO XII

13 iul. 1433

[Decretum de electionibus et confirmationibus episcoporum et praelatorum]^b u

Quemadmodum in construenda domo praecipua est architectoris cura, ut tale iaciat fundamentum, super quo firmum perduret aedificium, ita in generali ecclesiae reformatione potissimum est huius sanctae synodi studium, ut tales ecclesiis praeficiantur pastores, qui tanquam columnae et bases ipsam ecclesiam doctrinae et meritorum viribus firmiter sustentent. Quanta autem in eligendis praelatis diligentia adhibenda sit, officium eis iniunctum evidenter ostendit, ad regimen enim assumuntur animarum, pro quibus dominus noster Iesus Christus mortuus est, et sanguis eius pretiosus effusus'. Propterea sacri canones Spiritus Dei promulgati, provide statuerunt, ut unaquaeque ecclesia ac collegium seu conventus sibi praelatum eligant. Quibus haec sancta synodus eodem Spiritu congregata inhaerens, statuit et diffinit, generalem reservationem omnium ecclesiarum metropolitanarum, cathedralium, collegiatarum, et monasteriorum, ac dignitatum electivarum, per Romanum pontificem de cetero fieri, aut facta uti non debere, reservationibus in corpore iuris clausis, et his quas in terris Romanae ecclesiae ratione directi seu utilis domini

^a om. *Dc* Λιχτ

^b Decretum electionum dignitatum et confirmationis electivarum *Dc*; Decretum de electionum et confirmationum *Mxv* ^c Sicut *Dc* *Mxv* ^d Spiritu *Mxv*

¹ Cone. Const., sess. XXXIX (v. supra p. 442).

² In hac sessione decretum est etiam: *Concilium cassat inhibitionem faciam curialibus romanae curiae, ne veniant ad ipsum concilium.* ' Cf. Ac 20, 28.

the council of Constance beginning *Since the Roman pontiff*¹, effective observance of the present decree. Later, in his first public consistory, he is bound to make again the same profession and let him also profess that, if he violates what is contained in this decree or commits a notorious crime which scandalizes the church, he will subject himself to the judgment of a general council. Both he and the college of cardinals shall insert this profession in the letters which they customarily send throughout the world on the accession of a new pope.

[That this decree should be published in synods].*

So that nobody may plead ignorance of this wholesome and necessary decree, the holy synod orders, in virtue of holy obedience, all metropolitan bishops to have this decree read and published in provincial and synodal councils, and superiors of religious to have it read and published in their general chapters.²

SESSION 12

13 July 1433

[Decree on elections and confirmations of bishops and prelates]⁵

Just as in building a house the architect's chief concern is to lay such a foundation that the edifice built on it will endure immovable, so in the general reformation of the church the principal preoccupation of this holy synod is that the pastors set over the church may be such that, like pillars and bases, they will firmly uphold the church by the strength of their doctrine and merits. The office enjoined on prelates manifestly shows how great care should be taken in their election, for they are appointed for the government of souls for which our lord Jesus Christ died and shed his precious blood³. Therefore the sacred canons, promulgated under the Spirit of God, providentially established that each church and college or convent should elect a prelate for itself. Adhering to these prescriptions this holy synod, assembled in the same Spirit, establishes and defines that a general reservation of all metropolitan, cathedral, collegiate and monastic churches and elective dignities ought not to be made or used by the Roman pontiff in the future, always with the exception of reservations contained in the body of law and those which may arise in territories mediately or immediately subject to the Roman church by reason of direct or beneficial

* *heading omitted in Dc Mxv*

^b Decree on elections to dignities and confirmations of elective dignities *heading in Dc*; Decree on elections and confirmations *heading in Mxv*

¹ Council of Constance, session 39 (see above p. 442).

² In this session there was also decreed: *The council quashes the prohibition which forbids officials of the Roman curia to come to this council.*

³ See Ac 20, 28.

mediate vel immediate subiectis fieri contigerit, semper exceptis: sed quod per electiones et confirmationes canonicas, secundum iuris communis dispositionem, praedictis metropolitanis, cathedralibus, monasteriis et collegiatis ecclesiis ac dignitatibus electivis vacantibus, debite provideatur, non derogando propterea statutis, privilegiis et consuetudinibus rationabilibus, quibuscumque postulationibus in dispositione iuris communis remanentibus. Decemitque haec sancta synodus rationi fore consentaneum et reipublicae accommodum, ut contra hoc salutare decretum Romanus pontifex nihil attenter, nisi ex magna rationabili ac evidenti causal, litteris apostolicis nominatim exprimenda. Et ut eo firmiter hoc salubre decretum custodiatur, vult eadem sancta synodus, ut inter alia, quae Romanus pontifex in sua assumptione profitebitur, iuret decretum hoc inviolabiliter observare. Et quoniam tales, ut praedictum est, oportet esse praelatos, hi, ad quos ius pertinet eligendi, omnem curam adhibeant, ut dignam coram Deo et hominibus electionem faciant, exactamque proinde apponant sollicitudinem, ut tales eligant qui tanto officio valeant satisfacere. Scientes quod si vel dolose vel negligenter ac timore Domini postposito in re tam gravi se gesserint, sicut auctores erunt et causa malorum pastorum, ita participes fient poenarum, quas ipsi mali pastores in districto Dei iudicio patientur. Et cum humanae fragilitatis conatus nihil sine omnipotentis Dei suffragio queat efficere, a quo *omne datum optimum, et omne donum perfectum*¹ descendit, adveniente die electionis, hi, ad quos pontificis vel abbatis spectat electio, in ecclesia conveniant, magna cum devotione missam de Spiritu sancto audituri, quem humiliter exorabunt, ut eos ad dignum eligendum pastorem inspirare dignetur. Et ut eo facilius hanc gratiam obtinere mereantur, quo devotius ad actum electionis accedant, contriti et confessi sacramentum eucharistiae reverenter suscipiant. Ad locum vero electionis ingressi pro quocumque praelato, qui per electionem assumitur, iurabunt in manibus eius qui capitulo praesidebit, et ipse praesidens in manibus eum immediate sequentis, sub hac forma: Ego N. iuro et promitto omnipotenti Deo et tali sancto vel sanctae, sub cuius vocabulo dedicata est ecclesia, eum eligere quem credam futurum ecclesiae in spiritualibus et temporalibus utiliore, nec illi vocem dare quem verisimiliter scivero promissione aut datione alicuius rei temporalis, seu prece per se aut alium interposita, aut alias qualitercumque directe vel indirecte, pro se electione procurare. Idem iuramentum praestet, confiteaturque et communicet, qui constituit procuratorem ad eligendum certam personam. Nec non et procurator generaliter ad eligendum constitutus in casibus, in quibus secundum iuris communis dispositionem in huiusmodi electionis negotio procurator constitui potest^b. Quod etiam iuramentum praestetur ab hiis, in quos continget super electione futuri praelati fieri compromissum, qui etiam confiteri et communicare teneantur. Quod si

^a in *add. M*×9

^b simile iuramentum iubeat [praebeat] confiteatur atque communicet ut praemittitur v. / *Mfi*

¹ *Ic* 1, 17.

dominion. Rather, provision should duly be made for the aforesaid metropolitan, cathedral, monastic and collegiate churches and elective dignities, when they are vacant, by canonical elections and confirmations in conformity with the dispositions of the common law, without thereby derogating from statutes, privileges and reasonably customs, all postulations in the disposition of the common law remaining intact. This holy synod also decrees that it will be in conformity with reason and beneficial for the common good that the Roman pontiff should attempt nothing contrary to this salutary decree, except for an important, reasonable and manifest cause, which is to be specified expressly in an apostolic letter. So that this salutary decree may be more strictly adhered to, the same holy synod wishes that, among other things that the Roman pontiff shall profess on assuming office, he shall swear to observe inviolably this decree.

Since prelates should be such as is described above, those with the right of electing them should be very careful that they make a worthy election in the presence of God and of the people, and let them be most solicitous to elect such persons as can fill so great an office. Let them remember that if they act in so important an affair either fraudulently or carelessly or without regard for the fear of God, they will be the authors and cause of evil pastors and will therefore share in the penalties which the evil pastors themselves will suffer in the severe judgment of God. Since the endeavour of human fragility can effect nothing without the help of almighty God, from whom *every good endowment and every perfect gift*¹ comes down, those in whose hands lies the election of a pontiff or an abbot shall meet in church on the day of the election in order to hear with great devotion a mass of the holy Spirit, whom they will humbly petition to deign to inspire them to elect a worthy pastor. The more devoutly they approach the act of election, the more readily they will merit that grace, so let them confess and reverently receive the sacrament of the eucharist. When they have entered the place of the election of any prelate who is to be chosen through election, they shall swear in the hands of the president of the chapter, and the president in the hands of his immediate subordinate, in these words: I, N., swear and promise to almighty God and to such and such a saint (according to the dedication of the church) to elect the person who I believe will be the more useful to the church in spiritual and temporal things, and not to give a vote to anyone who I think is procuring the election for himself by the promise or gift of some temporal thing, or by making a request in person or through another, or in any other way directly or indirectly. He who appoints a procurator to elect a certain person shall take the same oath and shall confess and communicate; so also shall a procurator with a general mandate for election in matters in which by common law he can be appointed a procurator in the business of such an election. The oath shall be taken also by those who may have made an agreement about the election of a future prelate, and they too are obliged to confess and to communicate. If they do not do so, for that occasion they shall be deprived by

¹ Jas 1, 17.

praedicta non fecerint, pro illa vice eligendi sint ipso iure potestate privati. Deinde eligant in praefatum praelatum virum aetatis legitimae, moribus gravem, litterarum scientia praeditum¹, in sacris ordinibus constitutum, et alias idoneum, secundum canonicas sanctiones. Quod si aliter et de alia persona, quam ut praedictum est, aut per simoniacam pravitatem electionem fieri contigerit, electio sit ipso iure irrita et inanis. Et sic simoniace eligentes, praeter alias poenas, perpetuo sint ipso facto iure eligendi privati. Alii vero canonicis poenis subiaceant. Simoniace autem electi, et qui huiusmodi simoniacae electionis participes fuerint, taliterque eligentes et confirmati, in horrorem tanti criminis poenam ipso facto excommunicationis incurrant, nec a tali reatu et excommunicatione electi et confirmati absolvi possint nisi ecclesias et dignitates³, ad quas turpiter assumpti sunt, libere resignaverint, et ad eas obtinendas, quas nefario ingressu adepti sunt, perpetuo reddantur inhabiles. Ad tollendam autem omnem ambitionis radicem, obsecrat per viscera misericordiae² Iesu Christi haec sancta synodus ac instatissime exhortatur reges et principes, communitates, et alios, cuiuscumque gradus et dignitatis existant, ecclesiasticae vel mundanae, ne electoribus litteras scribant, aut preces porrigant pro eo qui per se vel per alium tales preces seu litteras procurabit, multoque minus comminationes, impressiones, aut aliud faciant, quo minus libere ad electionem procedatur. Similiter in virtute sanctae obedientiae ipsius electoribus praecipitur, ne ad huiusmodi litteras vel preces, comminationes vel impressiones, ut praemittitur, quemquam eligere praesumant⁸. Facta autem electione, et ei ad quem ius pertinet confirmandi praesentata, si appareat coelectus, vel se opponens electioni, nominatim vocetur, ad videndum discuti electionis negotium. Et nihilo minus generaliter edictum publicum in ecclesia, in qua facta est electio, proponatur iuxta constitutionem felicitis recordationis Bonifacii VIII³. Comparentibus autem aliquibus vel non, nihilo minus ipse confirmator ex officio tanquam in negotio inquisitionis procedat omnem adhibiturus diligentiam, ut tam forma electionis quam merita electi, et omnes circumstantiae debite examinentur et discutiantur. Et si electio confirmanda sit vel infirmanda, iudicialiter confirmetur vel infirmetur. Et ut omnia munde et sine labe ac labis suspicione procedant, non solum exigere aliquid quantumcumque parvum, sed etiam gratis oblata, confirmator ratione confirmationis sub nomine subiectionis, subsidii, gratitudinis, aut alio coloris praetextu cuiusvis consuetudinis aut privilegii, per se vel alium nullatenus recipere praesumat. Notariis autem, et his qui scripserunt⁰ in huiusmodi causis, emolumentum aliquod moderate taxetur habendo respectum ad laborem et operam scripturae, non ad fructuum praelaturae valorem. Si vero confirmatores praedicti electiones, non servatis superius ordinatis, et de personis non idoneis, ut praemittitur, factas, vel alias per simoniacam pravitatem confirmaverint, eo ipso confirmationes huiusmodi

» ecclesiis et dignitatibus *Dc* b vel acceptent *adi. r. /.* *Mri* c scripserint *Mxv*

iCf. Tt 1,7-9. * Cf. Lc1,78. 1 c. 47 I 6 in VI^o (Fr 2, 970).

law of the power of electing. Thereupon let them elect to the said prelacy a man of lawful age, of serious character and adequate education¹, already in sacred orders and suitable in other respects in accordance with canonical regulations.

If the election is made in another way and of a different kind of person than the above or by the wickedness of simony, the election shall be invalid and null by law. Those electing simoniacally shall be automatically subject to perpetual deprivation of the right of electing, besides other penalties. Others shall be subject to canonical penalties. Those elected simoniacally and those who take part in such a simoniacal election, as well as the electors and those confirmed, shall automatically incur the penalty of excommunication in horror of so great a crime. Moreover, those so elected and confirmed cannot be absolved from such guilt and excommunication unless they freely resign the churches and dignities which they had disgracefully obtained, and they are rendered perpetually disqualified from acquiring them again. In order to remove every root of ambition, this holy synod implores through the tender mercy² of Jesus Christ and most earnestly exhorts kings and princes, communities and others of whatever rank or dignity, ecclesiastical or secular, not to write letters to electors or to provide petitions for someone who will get such petitions or letters for himself or for another, and much less to resort to threats or pressure or anything else whereby the process of election would be rendered less free. Similarly, in virtue of holy obedience, it is enjoined on electors not to elect anyone on the strength of such letters, petitions, threats or pressure.

When the election has been completed and presented to the person who has the right of confirmation, if a co-elected person or an objector to the election shows himself, he should be summoned by name to discuss the matter of the disputed election. Usually a public announcement should be made in the church in which the election was held, in accordance with the constitution of Boniface VIII³ of happy memory. Whether or not a co-elected person or an objector appears, the confirmer should proceed in virtue of his office, as is done in the business of the inquisition, using diligence in the due examination and discussion of the form of the election, of the merits of the one elected and of all the circumstances. The confirmation or the annulment of the election should be done in a judicial manner. So that the whole process may be clean and without blemish or even a suspicion of it, the confirmer should altogether refrain, personally as well as through others, from presuming to demand anything at all or even to receive free offerings in return for the confirmation or under the pretext of homage, subvention, gratitude or any other excuse of supposed custom or privilege. For notaries and scribes in such cases, let a moderate fee be levied which is proportionate to the work of writing and not to the value of the prelacy. If the said confirmers shall confirm elections in contravention of the above regulations or in respect of unsuitable persons or involving simony, such confirmations are automatically

¹ See Tt 1, 7-9. ² See Lk 1, 78. ³ ch. 47 l 6 *Sext* (Fr 2, 970).

sint nullae. Confirmantes⁴ autem alias personas, quam supra dictum est, pro ea vice: per simoniacam autem labemb, si eam commiserint, etiam sententiam excommunicationis incurrant eo ipso, a qua nisi per Romanum pontificem^c, praeterquam in mortis articulo, absolutionis beneficium
 5 obtinere non possint. Summum vero pontificem haec sancta synodus exhortatur, ut, cum speculum et norma omnis sanctitatis et munditiae esse debeat, pro confirmatione earum electionum, quas ad eum deferre contigerit, nihil penitus exigat aut recipiat: alioquin, si secus faciendo notorie et incorrigibiliter ex hoc ecclesiam scandalizet^d, futuro concilio
 10 deferatur. Pro oneribus autem quae ipsum pro regimine universalis ecclesiae subire oportet, proque sustentatione sanctae Romanae ecclesiae cardinalium et aliorum necessariorum officialium, hoc sacrum concilium ante sui dissolutionem omnino debite et congruenter provideat. Quod si contingat aliquam circa haec provisionem non facere, tunc illae ecclesiae et beneficia, quae usque nunc ex novi praelati assumptione certam taxam solverint, deinceps medietatem huiusm^e capere per annum post adeptam paci^e possessionem solvere in partibus teneantur, duratura huiusmodi provisione, donec praedictis papae et sustentationi cardinalium fuerit aliter provisum*. Per haec eadem sancta synodus non intendit in aliquo praejudicare sanctae Romanae et universali ecclesiae, nec alteri cuicumque¹.

SESSIO XIII

11 sept. 1433

[In hac sessione lecta est: *Accusatio contumaciae papae. facta per promotores sacri concilii*; prorogatum est terminus iam intimatum Eugenio IV ut Basileam se conferret et abrogaret decretum dissolutionis concilii; denique
 25 approbatum est novum: *Decretum pro suppositorum tuitione.*]

SESSIO XIV

7 nov. 1433

[In hac sessione facta est: *Alia prorogatio monitionis papae ad nonaginta dies*, cui prorogationi addita sunt duo schemata, quorum unum spectans ad revocandam concilii suspensionem, alter spectans ad assensionem concilio Eugenii IV.]

a autem, iure confirmandi sint perpetuo privati: et nihilo minus propter istam simoniacam labem, si *add. r. /. Mri*

b labem perpetuo (ipso facto) iure confirmandi sint privati: et nihilo minus propter istam si^a iacam labem, si *add. Dc Mxv v. /. Mri*

c nisi. tificem *om. Dc* d scandalizaret *Mxv* c taxae *v. /. Mei*

35 i tunc ... provisum *om. De Mxv* g nec ... cuicumque *om. Mxv*

1 In hac sessione etiam adprobatum est: *Deeretum cital'ionic contra papam.*

null. This is to be the case for the occasion, for those who confirm persons other than as stated above: but for the stain of simony, if they have incurred it, they automatically incur sentence of excommunication, from which they cannot be absolved except by the Roman pontiff, except at the point of death.

This holy synod exhorts the supreme pontiff, since he should be the mirror and standard of all sanctity and purity, not to demand or accept anything at all for confirming elections referred to him. Otherwise, if he scandalizes the church by notorious and repeated contraventions, he will be delated to a future council. However, for the burdens which he must carry for the government of the universal church, and for the sustenance of the cardinals of the holy Roman church and of other necessary officials, this holy council will make due and suitable provision before its dissolution. If it does not make any provision in this way, then those churches and benefices which hitherto paid a certain tax on the entry' into office of a new prelate, shall be obliged thenceforward to pay in parts half of this tax for the year after their peaceful possession; this provision shall continue until the sustenance of the said pope and cardinals is otherwise provided for.¹ By these ordinances the same synod does not intend any prejudice to the holy Roman and universal church or to any other church⁵.¹

SESSION 13

11 September 1433

[In this session there was read out, *Accusation of contumacy of the pope made by the promoters of the sacred council*, the time-limit already intimated to Eugenius IV for him to come to Basel and to abrogate his decree dissolving the council was deferred; finally a new *Decree for the protection of members* was approved.]

SESSION 14

7 November 1433

[In this session there was made, *Another deferral, for ninety days, of the monition to the pope*, to which were added two proposals, one regarding the revoking of the suspension of the council, the other regarding Eugenius IV's assent to the council.]

^c except ... pontiff *omitted in Dc*

¹ then ... provided for *omitted in Dc Mxv* ⁶ or ... church *omitted in Mxv*

¹ In this session there was also approved: *Decree of citation against the pope*.

SESSIO XV

26 nov. 1433

[De conciliis provincialibus et synodalibus]

Sacrosancta generalis synodus Basileensis, in Spiritu sancto legitime congregata, universalem ecclesiam repraesentans, ad perpetuam rei memoriam. Pridem haec sancta synodus quoddam saluberrimum promulgavit decretum, pro stabilitate et robore generalium conciliorum, quorum frequens celebratio praecipua est agri Dominici cultura. Verum cum ad eandem culturam non dubium sit pertinere episcopales synodos, et concilia provincialia, prout veteres canones decreverunt frequentari: ideo eadem sancta synodus antiquos et laudabiles mores nostris cupiens temporibus observari, statuit atque praecipit synodum episcopalem in qualibet dioecesi post octavas dominicae resurrectionis, vel alia die secundum consuetudinem dioecesis, ad minus semel in anno, ubi non est consuetudo bis, annuatim celebrari per dioecesanum propria in persona, nisi canonico impedimento fuerit praepeditus, et tunc per vicarium ad hoc idoneum. Quae synodus saltem biduo vel triduo duret, vel prout necessarium episcopis' visum fuerit.

Prima autem die convenientibus dioecesano et omnibus aliis qui huiusmodi synodo interesse tenentur, infra missarum solemnia, vel post, dioecesanus vel alius eius nomine verbum Dei proponat, exhortando omnes ad bonos mores sectandum, abstinendum a vitiis, et ad ea quae pertinent ad ecclesiasticam disciplinam et officia singulorum, et praesertim ut hi, quibus animarum cura commissa est, diebus dominicis et aliis solemnitatibus plebem subiectam doctrinis et monitis salutaribus instruant. Postea legantur statuta provincialia et synodalia, et inter alia aliquis compendiosus tractatus, docens quomodo sacramenta ministrari debeant, et alia utilia pro instructione sacerdotum. Deinde ipse dioecesanus de vita et moribus subditorum solerter inquirat, labem simoniacae pravitatis, contractus usurarios, concubinatum, fornicationem, et alia quaevis crimina et excessus, debita correctione cohibeat. Alienationes rerum ecclesiasticarum a iure prohibitas revocet, clericorum abusus, et aliorum subiectorum, qui circa divinum officium et delationem debiti habitus defecerint, in melius reformet et emendet. Et quoniam multa scandala saepe contingunt/ eo quod constitutio Bonifacii papae VIII quae incipit *Periculosol*, edita super clausura monialium, non servatur, studeat ipse dioecesanus, ut omnino iuxta ipsius constitutionis tenorem executioni demandetur: nec non ut quicumque religiosi dioecesano subiecti, regulas et constitutiones suarum religionum, praesertim ut ab eis omnis proprietas abdicetur, inviolabiliter observent. Ne etiam in receptione ipsorum ad religionem quidquam per simoniam exigatur. Praecipua

* episcopo *De Mxv* b solemnibus *De* zx add. *Dc Mxv*

SESSION 15

26 November 1433

[On provincial and synodal councils]

The holy general council of Basel, legitimately assembled in the holy Spirit, representing the universal church, for an everlasting record. Already this holy synod has promulgated a most salutary decree on the stability and authority of general councils, the frequent holding of which is a principal means of cultivating the Lord's field. Indeed, since there is no doubt that episcopal synods and provincial councils form part of this same cultivation, inasmuch as the ancient canons decreed that they should be frequent, so this holy synod, desiring that ancient and praiseworthy customs should be observed in our age, establishes and commands that an episcopal synod should be held yearly in every diocese after the octave of Easter, or on another day according to diocesan custom, at least once a year where custom does not prescribe two, by the diocesan in person unless he is prevented by a canonical impediment, in which case by a vicar who is fitted for the task. This synod should last at least two or three days, or as the bishops deem to be necessary.

On the first day, when the diocesan and all those who are obliged to be present at the synod have assembled, during or after the celebration of mass, the diocesan or another in his name shall expound the word of God, exhorting all to strive after good behaviour and refrain from vice, and to strive after what pertains to ecclesiastical discipline and each one's duties, and especially that those who have the care of souls should instruct the people subject to them in doctrine and with salutary exhortations on Sundays and feast-days. Then there should be read out the provincial and synodal statutes and, among other things, a comprehensive treatise on how the sacraments should be administered and other useful points for the instruction of priests. Then the diocesan himself should diligently inquire into the life and morals of his subjects and check with suitable correction the evil of simony, usurious contracts, concubinage, fornication and all other faults and excesses. He should revoke alienations of ecclesiastical property forbidden by law, and he should correct and reform abuses of clerics and other subjects who have failed in respect of the divine office and the wearing of proper dress. Since many scandals often arise because Pope Boniface VIII's constitution *Periculoso*' on the enclosure of nuns is not observed, the diocesan should insist that this enclosure be strictly observed in accordance with that constitution; also that all religious subject to the diocesan should inviolably observe the rules and constitutions of their orders, especially that all ownership is renounced by them. Also let nothing be demanded simoniacally at their reception into a religious order. A chief care of the bishop at the synod should be

' ch. 1 II 16 Sext (Fr 2, 1053).

autem in ipsa synodo episcopi cura sit, inquirere ac debitis remediis
occurrere, ne aliquod dogma haereticum, erroneum, aut scandalosum,
seu piarum aurium oflensivum, sortilegia, divinationes, incantationes,
superstitiones, et quaevis diabolica figmenta, dioecesim suam inficiant.
Instituanturque praeterea testes synodales, viri graves, providi et honesti,
legis Dei zelum habentes, iuxta dioecesum* latitudinem in numero com-
petenti, aut alii eorum potestatem habentes, ubi alii non sunt ad hoc
instituti, qui si dioecesano minus idonei videantur, eos amovendob, aliosc
(prout ei videbitur expedire) instituat. Hi autem in manibus ipsius dioe-
10 cesani vel sui vicarii iurare teneantur, ut tradit canon: *Episcopus in synodo*1,
qui per anni circulum lustrantes ipsam dioecesim, quae corrigenda vel
reformanda viderint, his ad quos talia corrigere vel reformare pertinet,
referant. Quae nisi correcta vel reformata iam fuerint, ad synodum sub-
sequentem perferant, in qua debitis remediis occurratur. Sed et praeter
IS illa quae a testibus synodalibus, vel aliis eorum officia exercentibus,
dioecesanus audierit, inquirat et ipse diligenter de cunctis subditorum
suorum excessibus, et taliter in delinquentes insurgat correctionis debitae
disciplina ut aliis malignari volentibus transeat in exemplum.

Celebretur quoque in singulis provinciis saltem infra biennium a fine
concilii generalis, et deinde ad minus semel de triennio in triennium,
provinciale concilium in loco tuto: in quo tam archiepiscopusd quam
suffraganei omnes, et alii qui in huiusmodi conciliis provincialibus
interesse tenentur, debite vocati intersint. Quod si episcopus canonico
fuerit impedimento detentus, procuratorem suum destinet, non solum
ad excusandum et probandum absentiae causas, sed etiam ipsius nomine
concilio interessendum, suscipiendumque quidquid concilium duxerit
statuendum. Alioquin ipse episcopus a perceptione medietatis fructuum
unius anni suae ecclesiae, qui per personam in ipso concilio deputandam
ipsius ecclesiae suae fabricam effectualiter convertantur, eo ipso sit
suspensus. Alii vero venire négligentes concilii arbitrio puniantur, aliis
iuris poenis in suo robore duraturis. Concilio autem generali durante, et
per sex menses ante, huiusmodi provincialia concilia non celebrentur.
Porro in huius inchoatione concilii ipse metropolitanus, vel alius eius
nomine, infra missarum solemnia vel post, exhortatorium sermonem faciat,
ea quae ad statum ecclesiasticum, et praecipue ad pontificale officium
pertinent, seriose memorando, comminandoquee singulis, quod iuxta
prophetae sententiam, si eorum culpa cuiusvis anima perierit, illius
sanguis de manibus eorum a Domino exigetur2. Praecipue autem fiat tunc
monitio exacta, ut dignis et bene meritis, quorum vita sufficienti testi-
40 monio nota sit, ordines et beneficia sine ulla simoniaca labe conferantur.
Et super omnia ut in animarum cura committenda, summa diligentia et
matura inquisitio adhibeatur. Et ut bona ecclesiastica nullatenus ad usos

« dioecesis *Dc*
d archiepiscopi *Dc*

c om. Dc

1 c. 7 C. XXXV q. 6 (Fr 1, 1279).

» Cf. Ez 3,18,20.

to make inquiry and to apply proper remedies lest any teaching that is heretical, erroneous, scandalous or offensive to pious ears, or fortune-telling, divinations, incantations, superstitions or any diabolic inventions, infiltrate into his diocese. Let there be appointed synodal witnesses, who should be serious, prudent and honest men, filled with zeal for God's law, in a number proportionate to the area of the diocese, or others with their powers if none are appointed for this, who may be removed by the diocesan if they seem to him to be unsuitable and he may appoint others (as he thinks fit). They shall be obliged to take an oath in the hands of the diocesan himself or of his vicar, as is stated in the canon *Episcopus in synodo'*; they shall travel round the diocese for a year and shall refer what they have seen to be in need of correction and reform to those whose duty it is to correct and reform. If these matters are not corrected and reformed, they shall refer them to a subsequent synod, when proper remedies should be applied. Besides what the diocesan hears from the synodal witnesses or others exercising their office, he should himself inquire assiduously about the faults of his subjects and so confront the guilty with the discipline of needed correction that it may serve as an example to others inclined to do evil.

Also, in every province within two years of the end of a general council, and thereafter at least once in every three years, a provincial council should be held in a safe place. It should be attended by both the archbishop and all his suffragans and others who are obliged to take part in such provincial councils, after a due summons has been issued to them. If a bishop is prevented by a canonical impediment, he should designate his procurator, not only to excuse and justify his absence, but also to participate in the council in his name and to report back what the council decides. Otherwise the bishop is automatically suspended from receiving half the fruits of his church for one year: these should be effectively diverted to the fabric of his church by someone deputed in the council itself. Others who fail to attend are to be punished at the decision of the council and other penalties of the law are to remain in force. Provincial councils are not to be held while a general council is sitting and for six months beforehand. At the beginning of a provincial council the metropolitan or someone in his name, during the celebration of mass or afterwards, shall deliver an exhortation calling to mind the things that pertain to the ecclesiastical state and especially the episcopal office and warning all the participants that, as the prophet says, if any soul is lost by their fault his blood will be required by the Lord at their hands². In particular, there should be a strict warning that orders and benefices should be conferred, without any simony, on worthy and deserving persons whose lives are sufficiently well known. Above all, the greatest care and mature inquiry should be used when entrusting the care of souls. Ecclesiastical property on no account should be used for illegal purposes, but for the glory of God and the

¹ c. 7 C. XXXV q. 6 (Fr 1, 1279).

² See Ez 3, 18, 20.

illicitos, quinimmo ad honorem Dei, ecclesiarum conservationem⁴, habendo secundum sacros canones praecipuam curam pauperum et indigentium, laudabiliter convertantur, scientes quod de his omnibus apud tribunal aeterni ludicis usque ad minimum quadrantem rationem reddituri sunt¹. In quibus quidem conciliis de corrigendis excessibus, & moribusque subditorum reformandis, et praecipue qualiter episcopi in conferendis beneficiis et confirmandis electionibus, ministrandis ordinibus, depurandis confessoribus, praedicando ad populum, et puniendo excessus subditorum, observationeque episcopalium synodorum, ceterisque ad officium episcopale ac jurisdictionem et administrationem eorum in spiri- 10 tualibus et temporalibus quomodolibet spectantibus se gesserint, et praesertim an a simoniaca labe manus innoxias servant, diligens inquisitio secundum iuris dispositionem fiat, ut omnes qui in praemissis deliquisse comperti fuerint, per ipsum concilium corrigantur et puniantur. Simili modo de ipso metropolitano circa omnia supradicta diligenter inquiratur, 15 cuius excessus et defectus ipsum concilium eidem specialiter exprimat, ipsum admonendo et obsecrando⁸, ut, cum aliorum pater vocetur et esse debeat, a talibus omnino desistat. Et nihilo minus inquisitionem de ipso habitam, in scriptis redactam, ad Romanum pontificem vel alium eius superiorem, si quem habeat, sine mora transmittat, ut ab eo punitionem 20 et reformationem suscipiat condecentem. Inter cetera, si quae discordiae, contentiones et inimicitiae, inter quoscumque viguerint, quae quietem et tranquillitatem provinciae possent perturbare, curet omni studio sacrum concilium illa sedare, et more piorum patrum ad pacem concordiamque filiorum vigilanter intendat. Et si inter regna, provincias et principatus 25 huiusmodi discordias suscitari contingat, mox sancti Dei antistites concilia provinciarum suarum simul congregari procurent, et sibi invicem consilium et auxilium impendentes cuncta discordiarum fomenta amputare studeant: neque hoc alicuius amore vel odio praetermittant, sed ad Deum solum et salutem populi mentis oculos erigentes, ad sanctum pacis 30 opus omni tepiditate semota invigilent.

Cogitentur insuper in provinciali synodo, quae immediate generale concilium subsequens antecedit, omnia quae in eodem generali concilio visa fuerint proseguenda, ad Dei gloriam et provinciae commodum, salutemque christiani populi. Ibidemque eligantur in numero competenti 35 qui ad proximum generale concilium vice totius provinciae debeant proficisci, quibus per subsidium vel alias provideatur, prout de iure et concilio provinciali fuerit visum expedire, ita tamen, quod illi qui ultra personas, ut praedictum est, deputatas ad ipsum concilium generale accedere voluerint, aut eorum clerus, nullatenus propterea graventur. « Relegantur quoque in unoquoque provinciali concilio, quae secundum canonicas sanctiones in eisdem legi praecipiuntur, ut ea et inviolabiliter observentur, et transgressoribus poenae debitae inferantur. Quod si

a utilitatem populi sibi commissi *add. Sixv* b observando *Afxv*

¹ Cf. Mt 5, 26.

conservation of churches¹ and, following the holy canons, with a primary concern for the poor and needy, mindful that at the tribunal of the eternal judge they will have to give an account of all of it to the very last farthing¹. In these councils there should be, according to the regulations of the law, a careful investigation into the correction of faults, the reform of the morals of subjects and especially the conduct of bishops in conferring benefices, confirming elections, administering orders, deputing confessors, preaching to the people, punishing the faults of their subjects and observing episcopal synods, and in any other points respecting the episcopal office and the jurisdiction and administration of bishops in spiritual and temporal matters, especially whether they keep their hands clean of the stain of simony, in order that all those who are found to have transgressed in the aforesaid matters may be corrected and punished by the council. A similar careful inquiry should be instituted about the metropolitan himself in all these respects, and the council should explain clearly to him his faults and defects, admonishing and imploring him that since he is called and ought to be the father of others, he should altogether desist from such failings. Even so, the council should send straightaway to the Roman pontiff, or to another of his superiors if he has one, a written account of the investigation made about him, so that he may receive punishment and fitting reform from the Roman pontiff or other superior. Besides, if there are discords, quarrels and feuds among some which could disturb the peace and tranquillity of the province, the holy council should strive to pacify them and seek watchfully, as would a dutiful father, for peace and agreement among its sons. If discords of this sort arise between kingdoms, provinces and principalities, the holy bishops of God should straightaway arrange the simultaneous convocation of provincial councils and, in combining their respective counsel and help, strive to banish whatever promotes discord; they should not cease from this out of love or hatred for anyone, but raising the eyes of their minds to God alone and the salvation of their people and putting aside all half-heartedness, they should be intent on the sacred work of peace.

Moreover, in a provincial synod that immediately precedes a forthcoming general council, thought should be given to all that is likely to be dealt with in that general council, to the glory of God and the good of the province and the salvation of the Christian people. Let a suitable number of people be elected at it to go in the name of the whole province to the next general council; let them be provided for by a grant or in some other way, according to the law and the judgment of the provincial council; in such a way, however, that those wishing to go to the council or their clergy, in addition to those deputed as above, shall in no way be disadvantaged thereby. Also, let there be read out in each provincial council those things which the canonical regulations order to be read out in them, so that they may be observed inviolably and transgressors may be duly punished. If metropolitans and diocesans fail to celebrate provincial and epis-

¹ and the benefit of the people entrusted to them *added in Mxv*

¹ See Mt 5, 26.

metropolitan! vel dioecesani praedictis terminis in celebrandis provincialibus et episcopalibus synodis, cessante legitimo impedimento, fuerint négligentes, medietatem omnium fructuum et obventionum, ratione suarum ecclesiarum ad eos pertinentium, fabricae ipsarum ecclesiarum
 5 applicandam eo ipso amittant. Qui si in eadem negligentia per tres proximos menses perseveraverint, ab officiis et beneficiis sint ipso facto suspensi. Quibus transactis temporibus, sub antescriptis poenis, antiquior in provincia ordine episcopus ipsius metropolitan! episcopi, aut maior in dignitate post pontificalem in sacris constitutus, nisi ad alios forsan
 10 de consuetudine vel privilegio pertineat, negligentiam in celebrandis praedictis provincialibus et episcopalibus synodis supplere teneantur, lubet insuper haec sancta synodus omnibus praelatis religionum et ordinum quorumcumque, ad quos celebrare capitula pertinet, quod illa statutis temporibus sub praedictis poenis servant, et servari faciant, in
 is quibus secundum canonicas sanctiones et religionum constitutiones, cum omni studio et diligentia ad veram singularum religionum et ordinum reformationem intendant, ita ut deinceps in singulis monasteriis iuxta proprias regulas et constitutiones debite regularis vigeat observantia: et praecipue, ut tria substantialia professionis vota omnino observentur.
 » Per praemissa autem haec sancta synodus non intendit iuribus quorumcumque quomodolibet derogare.

SESSIO XVI

5 febr. 1434

[Haec sessio declarat papam Eugenium c. concilio adhaerere, celebratis ceremoniis consuetis; in eius actis incorporantur bulla Eugenii *Dudum sacrum* et aliae tres ab ipsa bulla abrogatae.]

SESSIO XVII

26 apr. 1434

25 [Super admissione praesidentium in concilio nomine domini
 Eugenii papae IV]³

Sacrosancta generalis synodus Basileensis, in Spiritu sancto legitime congregata, universalem ecclesiam repraesentans, dilectos ecclesiae filios Nicolaum tituli sanctae Crucis in Ierusalem presbyterum, Iulianum sancti
 30 Angeli diaconum, sanctae Romanae ecclesiae cardinales, et venerabiles, Ioannem archiepiscopum Tarentinum, et Petrum episcopum Paduanum, ac dilectum ecclesiae filium Ludovicum abbatem sanctae Iustinae Paduanae, tantum admittit in praesidentes in hoc sacro concilio, nomine, vice et loco sanctissimi domini Eugenii papae IV, cum infrascriptis conditionibus et clausulis, plenissimum robur et effectum per omnia habituris,
 35

» De admissione praesidentium domini nostri papae *Dc*; Decretum de praesidentia locum tenentium papae in concilio *Mxv*

copal synods at the aforesaid time, after the cessation of any legal impediment, they shall lose half of all fruits and revenues accruing to them by reason of their churches, and these shall be applied immediately to the fabric of their churches. If they persist in such neglect for three consecutive months, they shall automatically be suspended from their offices and benefices. After these intervals of time have elapsed, with the aforesaid penalties, the senior bishop in the province of the metropolitan, or the person in orders who is highest in dignity below a bishop, unless by custom or privilege it pertains to another, is obliged to supply for this failure to hold the said provincial and episcopal synods. Moreover, this holy synod bids all superiors of religious communities and orders of all kinds, who are responsible for holding chapters, to hold them at the appointed times, under the aforesaid penalties, and to see that they are held; and let them aim in them, in accordance with canonical sanctions and the constitutions of the orders, at a true reform of the individual communities and orders, so that thereafter regular observance may duly flourish in all monasteries in accordance with their rules and constitutions, and in particular that the three fundamental vows of profession may be strictly observed. By the aforesaid, however, the holy synod does not mean to derogate in any way from anyone's rights.

SESSION 16

5 February 1434

[This session declares the adherence of Pope Eugenius to the council, with the usual ceremonies; Eugenius's bull *Dudum sacrum*, and three other bulls abrogated by that bull, are incorporated into the acts.]

I

SESSION 17

26 April 1434

[On the admission of the presidents into the council in the name of the lord pope Eugenius FV]^a

The holy general synod of Basel, legitimately assembled in the holy Spirit, representing the universal church, admits the beloved sons of the church Nicholas, priest of the title of holy Cross in Jerusalem, and Julian, deacon of St Angelo, cardinals of the holy Roman church, the venerable John, archbishop of Taranto, and Peter, bishop of Padua, and the beloved son of the church Louis, abbot of St Justina of Padua, as presidents in this sacred council in the name, stead and place of the most holy lord pope Eugenius IV, to have the fullest authority and effect throughout, but only on the following conditions: they are to be without

^a On the admission of the presidents of our lord pope *heading in Dc.* Decree on the presidency of those holding the place of the pope in the council *heading in Mxv*

videlicet, sine omni* iurisdictione coactiva, salvo etiam modo procedendi in hoc sacro concilio hactenus observato, praesertim qui continetur in ordinationibus huius sacri concilii, quae incipiunt: *Primo sint quatuor deputationes, sicut sunt, inter quas omnes de concilio distribuuntur aequaliter, quantum fieri poterit*, etc,* Ordinatur etiam quod praeter feriam sextam, in 5 qua ordinaria est congregatio generalis, non possit fieri alia, nisi fuerit conclusum prius per tres deputationes ad minus. Et tunc intimetur ipsis praesidentibus, vel alteri ex eis, quod ponat schedulas. Et si non fecerint, unus ex promotoribus concilii, vel unus ex deputationibus quicumque sit, ponat schedulas. Et omnes de concilio veniant ad con- 10 gregationem. Alias si non fuerit conclusum per tres deputationes, nullus ad ipsam congregationem accedat. Et quidquid ibi factum fuerit, nullius sit roboris. Et idem de sessione. Item, quod lectis in congregatione generali his quae conclusa sunt per deputationes, primus inter praesidentes ibidem praesentes, etiam aliis vel alio ex eis absentibus, concludat iuxta ordinationes sacri concilii. Quod si nolit ipse aut alius de praesi- dentibus ibidem praesidentibus facere, tunc proximior⁸ praelatus sub- sequeris in ordine considendi concludat. Et ipso nolente, alius successive faciat. Et si forte nullus de praesidentibus veniat ad congregationem, vel ad sessionem generalis concilii, tunc primus⁹ praelatus, ut praemittitur, 20 pro illo die faciat officium praesidentis. Item, quod omnia acta huius sacri concilii, sicut hactenus est observatum, fiant et expediantur sub nomine et bulla ipsius concilii.

SESSIO XVIII

26 iun. 1434

[Super innovatione decreti concilii Constantiensis de auctoritate et potestate conciliorum generalium]⁰

Sacrosancta Basileensis, generalis synodus in Spiritu sancto legitime congregata, universalem ecclesiam repraesentans, ad perpetuam rei memoriam. Ad magnam ecclesiae catholicae utilitatem pertinere dignoscitur, ut ipsius auctoritas, cui omnes subesse tenentur, in sacro olim Constantiensi concilio declarata, saepius manifestetur, et ad omnium notitiam 30 perducatur. Et quemadmodum nonnulla concilia praecedentium synodorum salubres institutiones et declarationes renovare consueverunt, ita et haec sancta synodus necessariam illam declarationem de generalium conciliorum auctoritate, in dicto Constantiensi concilio promulgatam, sub eodem qui sequitur tenore innovat: *Primo, quod... et Item declarat..*,² as

■ ulla *De Mxv* v. *I. Msi* b primior *Mxv* c proximus (alias proximior) v. *I. Msi*
d de__ generalium *om. Mxv*

¹ *Articuli de modo procedendi in concilio* (Mxv 2,260-263 ; Msi 29, 377-380).

¹ Cone. Const., sess. V (v. supra p. 409).

any coercive jurisdiction, and the way of proceeding hitherto observed in this council is to remain unchanged, especially what is contained in the ordinances of this sacred council beginning, *First, there shall be four deputations, as there are, among which all from the council shall be distributed equally as far as is possible,* etc.¹ It also ordains that apart from on a Friday, which is the ordinary day for a general congregation, another general congregation cannot be called unless at least three of the deputations agree to this beforehand. And then the presidents should be informed, or one of them, so that they may announce the programme. If they do not, one of the promoters of the council or someone from the deputations shall announce the programme. All from the council shall come to the congregation. On the other occasions, if the three deputations do not agree, nobody shall come to that congregation; and whatever is done there shall be null and void. The same with regard to a session. When what has been agreed upon by the deputations has been read out in the general congregation, the first of the presidents there present, even if another or others of them are absent, shall conclude the matter in accordance with the ordinances of the sacred council. If he or another of the presidents then presiding refuses to do this, the next prelate in the order of seating shall conclude the matter. If he is unwilling, let another in succession do it. If it happens that none of the presidents comes to a congregation or a session of the general council, then the first prelate, as indicated above, shall fulfil the office of president for that day. Also, all the acts of this sacred council shall be made and despatched under the name and seal of this council, as has been done until now.

SESSION 18

26 June 1434

[On the renewal of the decree of the council of Constance about the authority and power of general councils]

The holy general synod of Basel, legitimately assembled in the holy Spirit, representing the universal church, for an everlasting record. It is well known that it redounds to the great benefit of the catholic church that its authority, which was earlier declared in the sacred council of Constance and to which all are obliged to submit, should be manifested frequently and the attention of all should be drawn to it. Just as councils of the past were accustomed to renew the salutary institutions and declarations of previous synods, so this holy synod too renews that necessary declaration on the authority of general councils, which was promulgated in the said council of Constance in the words that follow: *First it declares ... and Next it declares ...*²

¹ *Articles on procedure in the council* (Mxv 2, 260-263; Msi 29, 377-380).

² Council of Constance, session 5 (see above p. 409).

SESSIO XIX

7 sept. 1434

[De compactâtes inter concilium et Graecos pro unione]¹

Sacrosancta Basileensis generalis synodus, in Spiritu sancto legitime congregata, universalem ecclesiam repraesentans, ad perpetuam rei memoriam. Sicut pia mater pro filiorum salute semper anxia est, nec
s unquam quiescit, donec si qua inter ipsos dissensio sit, sopita fuerit; sic et multo amplius sancta mater ecclesia, quae filios ad perpetuam vitam regenerat, omni conatu laborare consuevit, *ut omnes, qui ebristiano nomine censentur*¹, sublato omni dissidio eandem fidei unitatem', sine qua salus
io esse non potest, fraterna caritate custodiant. Quamobrem huius sanctae synodi ab initio suae congregationis praecipua cura fuit, illud recens Bohemorum antiquumque Graecorum dissidium prorsus extinguere, et eos nobiscum in eodem fidei et caritatis vinculo perpetuo copulare. Bohemos igitur viciniore primo, deinde Graecos^b nostras litteras et oratores pro sancta unione facienda, cum omni caritate ad hoc sacrum
is concilium vocavimus. Et quamquam Bohemorum negotium multi ab initio non solum difficile, sed pene impossibile aestimarent, nostrosque tanquam supervacuos et inutiles iudicarent labores, attamen dominus noster Iesus Christus, cui nihil impossibile est, sic salubriter rem ipsam usque ad hanc diem direxit, ut multo amplius haec ipsa Bohemorum
20 vocatio ecclesiae sanctae profuerit, quam multi potentissimi exercitus, qui saepe Bohemiam armata manu ingressi sunt. Quae res eo ampliorem spem nobis praebet, ut hanc Graecorum unionem cum omni fiducia et constantia prosequamur. Quod quidem eo libentius aggredimur, quo ipsos ad hanc unionem plurimum affectos conspiciamus. Ut primum enim
25 serenissimus Graecorum imperator et patriarcha Constantinopolitanus per nostros requisiti sunt oratores, mox tres insignes viros, de his qui apud eos magnae videntur auctoritatis, quorum primus ipsum imperatorem consanguinitate attinet, ad hanc sanctam synodum destinarunt, sufficienti ipsius imperatoris mandato cum bulla aurea et eius manu
o propria subscripta, ac patriarchae litteris munitos, qui tam in generali congregatione, quam coram commissariis nostris ferventissimum imperatoris et patriarchae totiusque ecclesiae orientalis ad hanc unionem desiderium exponentes, nos mirum in modum ad tam sancti operis prosecutionem pulsan-
35 asserentes, unionem ipsam nisi in synodo universali, in qua tam ecclesia occidentalis quam orientalis conveniat, fieri nullatenus posse: et in ea synodo si fiat, ut infra conventum est, omnino ipsam unionem secuturam. His auditis, summa nobis laetitia ac iucunditas nimirum accessit. Quid enim catholicae ecclesiae felicius gloriosiusque contingere unquam posset,

40 a *add. Mxv* b per *add. Mxv*

1 Collecta Dom. III post Pascha. * Cf. Eph 4,13.

SESSION 19

7 September 1434

[On the agreement between the council and the Greeks about union]³

The holy general synod of Basel, legitimately assembled in the holy Spirit, representing the universal church, for an everlasting record. As a dutiful mother is ever anxious about the health of her children and is uneasy until any dissension among them has been quietened, so and to a much greater extent holy mother church, which regenerates its children to eternal life, is wont to strive with every effort *that all who go by the name of Christian*¹ may put aside all quarrelling and may guard in fraternal charity the unity of the faith², without which there can be no salvation. It has therefore been a primary care of this holy synod from the beginning of its meeting to put an end to the recent discord of the Bohemians and the ancient discord of the Greeks, and to bind them to us in the same permanent bond of faith and charity. We invited in all charity to this sacred council, through our letters and envoys, first the Bohemians, since they are nearer, and then the Greeks, so that the holy union might be achieved. Although many from the beginning thought that the Bohemian affair was not only difficult but almost impossible and judged our labours to be a waste of time and useless, nevertheless our lord Jesus Christ, to whom nothing is impossible, has so safely directed the business until now that the invitation to the Bohemians has been of much greater benefit to holy church than the many powerful armies which frequently invaded their country.

This fills us with greater hope to pursue the union with the Greeks with all confidence and perseverance. We approach this task the more willingly because we perceive the Greeks to be very inclined to this union. For as soon as the most serene emperor of the Greeks and the patriarch of Constantinople were approached by our envoys, straightaway they appointed to this holy synod three outstanding men from those who seem to be of great authority among them — the first of whom was indeed a blood-relative of the emperor — with a sufficient commission from the emperor himself signed by his own hand and with a golden seal, and furnished with letters of the patriarch. Both in a general congregation and in the presence of our commissaries they expressed the most fervent desire of the emperor, the patriarch and the whole eastern church for this union. They urge and daily stimulate us in a wonderful way to pursue this holy work, strongly and persistently affirming two things: that union is only possible in a universal synod in which both the western church and the eastern church meet, and that union will assuredly follow if matters proceed in that synod in the way that is agreed below. We were filled with joy and gladness when we heard this. For what happier and more glorious thing could ever happen to the catholic church than that so many eastern peoples, who seem to be about equal in

¹ heading added in *Mxv*

¹ Collect of the third Sunday after Easter. ² See Eph 4, 13.

quam quod tot orientales populi, qui numero hominum ab his qui nostrae fidei sunt non multum distare videntur, in eadem nobiscum fidei unitate coniungantur? Quid utilius aut fructuosius ab exordio nascentis ecclesiae populus Christianus vidit vel audivit, quam quod tam diuturnum perniciosumque schisma penitus extirpetur? Unde et aliam reipublicae s christianae, Deo propitio, utilitatem accrescere confidimus, quoniam ex hac unione, cum facta fuerit, plurimos ex nefanda Mahumeti secta ad fidem catholicam converti sperandum est. Quid igitur pro tam piis ac salutaribus rebus per Christi fideles tentandum faciendumque non esset? Quis catholicus pro tanto nominis christiani et orthodoxae fidei incre- w mento non modo caducam huius mundi substantiam, sed et corpus et animam exponere non deberet? Quocirca omnem cogitatum nostrum iactantes in Deum¹ *qui facit mirabilia magna solus*¹, venerabiles sanctae Romanae ecclesiae cardinales, praesidentes sedis apostolicae, patriarcham Antiochenum, archiepiscopos, episcopos, abbates, magistrosque et doc- u tores in numero competenti deputavimus, ut una cum ipsis Graecorum ambaxiatoribus rem istam tractare, et quo ordine ad exeeutionem deducenda esset prospicere deberent. Qui tam inter se, quam cum ipsis oratoribus, saepenumero convenientes, habito inter se digesto consilio, ad infrascripta cum ipsis devenerunt capitula, quae postea secundum 20 morem huius sacri concilii per sacras deputationes mature deliberata, ac deinde per generalem congregationem conclusa firmataque solemniter extiterunt: quorum tenor una cum mandato ipsius domini imperatoris sub bulla aurea sequitur, et est talis.

[Conventio deputatorum sacri concilii cum ambaxiatoribus Graecorum]*

Ambaxiatores serenissimi domini imperatoris Graecorum, et dominib patriarchae Constantinopolitani, videlicet dominus Demetrius proto- nostiarius, Palaeologus Maetotides, venerabilis Isidorus abbas monasterii sancti Demetrii, et dominus Ioannes Dissipatus, eiusdem imperatoris 30 familiaris, convenientes cum dominis deputatis sacri concilii, primo exposuerunt, quod si ecclesiae occidentali placeret, ut haec synodus ConstantinopoÜ celebraretur, ecclesia orientalis propriis expensis ibidem conveniret, nec oporteret, ut ecclesia occidentalis praelatis orientalibus aliquas expensas hocb faceret. Quinimmo ipseb dominus imperator, in quibus posset, praelatis latinis Constantinopolim venturis subveniret. Sin autem placeret, ut praelati ecclesiae orientalis ad terras latinorum pro praedicta synodo accederent, necessarium fore propter legitimas causas, ut expensis ecclesiae occidentalis subvenirent. Et cum dictis dominis depu- 40 tatis videretur multis de causis hanc unionem commodius fieri posse in hac civitate Basileensi, ubi actu concilium congregatum est, saepe ac multum apud ipsos dominos oratores institerunt, ut hic locus pro hac

¹ *add. Mxv* *b om. Mxv*

¹ Cf. Ps 54,23; 1 Pt 5,7. ¹ Ps 135,4.

number to those of our faith, should be joined with us in the unity of faith? What could be more useful and fruitful to the Christian people, since the beginning of the church, than for an inveterate and destructive schism to be completely eradicated? Moreover, we trust that with God's help another benefit will accrue to the Christian commonwealth; because from this union, once it is established, there is hope that very many from the abominable sect of Mahomet will be converted to the catholic faith. What, then, should not be attempted and done by Christ's faithful for so holy and salutary an objective? What Catholic is not in duty bound to risk not only the passing substance of this world but even his body and soul for such an advance of the Christian name and the orthodox faith?

Wherefore, we venerable cardinals of the holy Roman church, presidents of the apostolic see, casting all our thought on God¹, *who alone does great wonders*', deputed the patriarch of Antioch and a suitable number of archbishops, bishops, abbots, masters and doctors to treat of this question with the ambassadors of the Greeks and to look for a way to reach a solution. After these men had frequently met and discussed among themselves and with the envoys, they reached the conclusions given below. These conclusions, in accordance with the custom of this council, were seriously debated by the deputations and ratified by a general congregation. Their contents, together with the chrysobull of the lord emperor, are as follows.

[Agreement of the deputies of the sacred council with the ambassadors of the Greeks]⁴

The ambassadors of the most serene lord emperor of the Greeks and of the lord patriarch of Constantinople, namely the lord Demetrius protonostiarus Palaeologus Metotides, the venerable Isidore abbot of the monastery of St Demetrius, and the lord John Dissipatus of the household of the same emperor, meeting together with the lord deputies of the sacred council, first declared that if the western church would agree that this synod should be held in Constantinople, the eastern church would meet there at its own expense and there would be no need for the western church to pay any expenses to eastern prelates. Indeed, the lord emperor himself would, within his limits, provide for Latin prelates on their way to Constantinople. But if it was preferred that the prelates of the eastern church should come to Latin territories for the said synod, then for legitimate reasons the western church would have to meet the expenses of the eastern church. Since the said lord deputies for many reasons believed that this union would be more conveniently arranged in the city of Basel, where in fact the council was sitting, they frequently and urgently pressed the lord envoys that this place should be chosen for the holy union and offered to pay the

² heading added in Mxv

¹ See Ps 54, 23; 1 Pt 5, 7. ² Ps 135, 4.

sancta unione eligeretur, offerentes impensas ad hoc necessarias. Sed ipsi oratoribus respondentibus, quod cum eorum* instructiones Limitatae de certis locis per ipsos imperatorem et patriarcham eis datae sint, nonb hunc locum eligere qui in ipsis instructionibus nominatus non esset, nomine* deputati sacri concilii cognoscentes sanctam ac perfectam ipsius* concilii intentionem, quae est ut pro honore Dei et profectu fidei catholicae nullis parcatur laboribus et impensis, iudicarunt non expedire, ut propter locum dumtaxat tantum bonum negligeretur. Acceperunt igitur, si placeat sacro concilio, unum de locis inferius nominandis, cum hoc, 10 quod, sicut inferius est conventum, mittantur aliqui vel aliquis ad ipsum dominum imperatorem, patriarcham, et alios, quibus persuadeant per efficaces rationes, ut in hanc civitatem Basileensem velint assentire. L nominata sunt, Calabria, Ancona, vel alia terra maritima, Bononia, Mediolanum, vel alia civitas in Italia; extra Italiam, Buda in Hungaria, Vienna 15 in Austria, et ad ultimum Sabaudia. Convenerunt tamend dicti domini deputati cum ipsis dominis ambaxiatoribus in his quae sequuntur, si sacro concilio placeant. Primo dicti ambaxiatores promiserunt quod ad huiusmodi synodum convenient imperator Graecorum et patriarcha Constantinopolitanus, et ceteri tres patriarchae, et archiepiscopi, et episcopi, et alii ecclesiastici, qui commode venire poterunt. Similiter quod* venient et ab omnibus regnis et dominiis quae subiiciuntur ecclesiis' Graecorum cum plena potestate et mandato vallato iuramento et aliis clausulis opportunis, tam ex parte saecularium dominorum quam praelatorum. Item, quod mittatur unus vel plures ambaxiatores, ex parte sacri concilii cum octo millibus ducatorum, pro facienda congregatione praelatorum ecclesiae orientalis ad Constantinopolim, quae octo millia expedientur ab ipsis ambaxiatoribus sacri concilii, prout ipsi domino imperatori, aut ipsis ambaxiatoribus sacri concilii, videbitur. Ita tamen, quod si dicti praelati nollent Constantinopolim venire, vel, postquam Constantinopolim venerint, nollent ad synodum praedictam accedere, tunc teneatur dictus imperator reddere dictis ambaxiatoribus sacri concilii quidquid pro ea re expenderint. Item, quod ecclesia occidentalis solvat expensas quatuor galearum grossarum, quarum duae sint de Constantinopoli, et duae aliunde, pro conducendo, dum tempus erit, ad portum nostrumf, et 35 reducendo Constantinopolim dominum imperatorem, et patriarchas, et praelatos ecclesiae orientalis cum suis, usque ad numerum septingentarum personarum. Quibus ipsa occidentalis ecclesia impensas faciet hoc modo: quia pro expensis ipsius imperatoris et ipsarum septingentarum personarum, a Constantinopoli usque ad portum nostrum ultimum, dabit ipsi «0 imperatori quindecim millia ducatorum. A dicto autem ultimo portu usque ad locum dictae synodi, et deinde, quamdiu manebunt in synodo, et usque ad reversionem ipsorum ad Constantinopolim, faciet dicto imperatori cum dictis septingentis personis impensas honestas. Item quod infra decem menses incipiendos a mense novembris proxime sequenti, tene-

♦ a ow. *Mxv* b possunt *add. Mxv* c domini *Mxv* d tandem *Mxv*
 « ecclesiae *Mxv* { vestrum *Mxv*

necessary expenses for this. The envoys replied that since the instructions given to them by the emperor and the patriarch contained limitations on certain places, they would not choose the city of Basel because it was not mentioned in the instructions. The deputies of the sacred council, aware of the holy and perfect intention of the council not to spare any labour and expenditure for the honour of God and the advance of the catholic faith, judged it inexpedient to miss so great a good merely on a question of place. So they agreed, subject to the council's consent, to one of the places named below with the condition, which is detailed later, that one or more persons should be sent to the lord emperor, the patriarch and others to persuade them by cogent reasons to agree to the city of Basel. The nominated places are these: Calabria, Ancona or another maritime territory; Bologna, Milan or another Italian city; and outside Italy, Buda in Hungary, Vienna in Austria or in the last place, Savoy.

The lord deputies agreed with the lord ambassadors in what follows, subject to the council's consent. First, the ambassadors promised that the emperor of the Greeks, the patriarch of Constantinople, the other three patriarchs and the archbishops, bishops and other ecclesiastics who can conveniently come, will come to the synod. Likewise, representatives will come from all the kingdoms and territories subject to the churches of the Greeks, with full power and authority which shall be confirmed by oath and suitable documents by both the secular authorities and the prelates. Also, the sacred council shall send one or more ambassadors with eight thousand ducats for the holding of a congregation of the prelates of the eastern church in Constantinople. The eight thousand ducats will be paid out by the ambassadors of the sacred council, as it shall seem good to the lord emperor or to the ambassadors themselves; but in such a way that, if the said prelates refuse to come to Constantinople or, having come to Constantinople, refuse to go to the synod, then the emperor shall be bound to restore to the said ambassadors whatever they may have expended on this matter.

Also, that the western church shall pay the expenses of four large galleys, of which two shall be from Constantinople and two from elsewhere, to convey to our port at the appropriate time the emperor, the patriarchs and the prelates of the eastern church with their suites, to the number of seven hundred persons, and to return them to Constantinople. The western church shall pay the expenses for this in the following way. For the expenses of the emperor and of seven hundred persons from Constantinople to our last port, it will give the emperor fifteen thousand ducats. From the said last port to the place of the said council, and thereafter as long as they remain at the synod and until their return to Constantinople, it will give to the emperor with the said seven hundred persons fair expenses. Also that within the ten months after next November, the sacred council shall be obliged to send two large galleys and two lighter ones to

atur sacram concilium mittere duas galeas grossas et duas subtiles versus Constantinopolim cum trecentis balistrariis. Super quibus galeis erunt ambaxiatores sacri concilii, et dominus Demetrius protonostiarus' Palaeologus, primus de ipsis ambaxiatoribus domini imperatoris. Qui quidem ambaxiatores sacri concilii habebunt secum quindecim millia ducatorum s danda domino imperatori pro expensis suis et patriarcharum et praelatorum, ac aliorum venientium usque ad numerum septingentarum personarum, faciendis a Constantinopoli usque ad portum ultimum, ad quem debebunt applicare, ut supra. Item praedicti ambaxiatores sacri concilii, ituri cum praedictis galeis, ordinabunt quod decem milia ducatorum io erunt parata ad exponendum, si necessarium fuerit, pro custodia civitatis Constantinopolitanae, propter periculum quod posset intervenire a Tureis civitati tempore absentiae dicti domini imperatoris, quae pecuniae exponentur per aliquem a dictis ambaxiatoribus sacri concilii deputandum, prout necessitas fuerit. Item ordinabunt praedicti ambaxiatores sacri is concilii, etb expensis duarum galearum subtilium et trecentorum balistariorum pro custodia civitatis Constantinopolitanae tempore absentiae domini imperatoris, et quod gentes dictarum galearum et ipsi balistarii iurabunt in manibus imperatoris fideliter se habere. Et capitanei eorum sint quos imperator instituerit. Item quod praedicti ambaxiatores habeant 20 expensas duarum galearum grossarum tot quot expendi consueverunt in armando tales galeas. Item quod huiusmodi ambaxiatores sacri concilii ituri cum praedictis galeis Constantinopolim nominabunt domino imperatori portum, ad quem ultimo debebit applicare, et locum unum de praenominatis, in quo esse debeat dicta universalis synodus. Laborabunt 25 tamen cum omni instantia, ut civitas istac Basileensis eligatur, prout sperandum est. Item quod hoc sacrum Basileense concilium interim stabit firmiter in Basilea, nec dissolvetur legitimo impedimento cessante, quo interveniente, quod Deus avertat, pro continuatione sui iuxta dispositionem capituli *Frequens*¹, ad aliam civitatem se transferet. Et in casu 30 quod dominus imperator non contentaretur de isto loco, tunc infra mensem, postquam praefatus dominus imperator applicuerit ad dictum portum ultimum, sacrum concilium se transferet ad unum de praedictis locis nominatis per ipsum sacrum concilium, ut supra dictum est, eligendum. Item quod in omnem eventum praedicta omnia utrimque adimpleantur, as item quod praedicta omnia fient firmiori modo, et cum maiori robore et securitate quo fieri possunt per sacrum concilium, videlicet per decretum et sub bulla. Item quod praedictis omnibus conclusis et concordatis, ac, ut praemittitur, firmiter roboratis, summus pontifex expressum praebeat assensum per suas patentes bullas. Et quod praedicta omnia et sin- «0 gula intelligi debeant bona fide, sine dolo et fraude, et absque impedimento legitimo et manifesto. His omnibus adimpletis, dicunt supra dicti ambaxiatores Graecorum, et promittunt quod omnino venient, etiamsi bellum foret et instaret civitati, et ob earum omnium rerum confirmatio-

a prothovestiarus *Mxv* b de *Mxv* c ipsa *Mxv*

45

1 Cone. Const., sess. XXXIX (v. supra pp. 438-439).

Constantinople with three hundred crossbowmen. On these galleys shall travel the ambassadors of the sacred council and the lord Demetrius protonostiarus[†] Palaeologus, chief of the lord emperor's ambassadors. These ambassadors of the sacred council will have with them fifteen thousand ducats to be given to the lord emperor for the expenses that he and the patriarchs, prelates and others who are coining, to the number of seven hundred persons, shall incur between Constantinople and the last port at which they shall put in, as mentioned above. Also, the said ambassadors of the sacred council who are to travel on the galleys will arrange that ten thousand ducats are at hand to be expended, if necessary, on the defence of the city of Constantinople against any danger that the Turks might cause the city during the lord emperor's absence; this money will be expended by someone deputed by the said ambassadors of the sacred council in proportion to the necessity. Also, the said ambassadors of the sacred council will pay the cost of two light galleys and three hundred crossbowmen for the defence of the city of Constantinople in the lord emperor's absence, and shall ensure that the crews of the said galleys and the crossbowmen take an oath in the hands of the emperor that they will serve him faithfully. Their captains shall be appointed by the emperor. Also, that the said ambassadors shall have for the expenses of the two large galleys what is usually expended in arming such galleys.

Also, the ambassadors of the sacred council who are to go with the said galleys to Constantinople, shall name to the lord emperor the port at which they should finally land and the place, from among those listed above, where the said universal synod shall be held. They will, however, strive with all their might that the city of Basel be chosen, as is to be hoped. Also, this sacred council of Basel will remain meanwhile at Basel, and shall not be dissolved as long as there is no legitimate impediment; but if a legitimate impediment arises, which may God avert, it may transfer itself for its continuation to another city, in accordance with the decree *The frequent'*. If the lord emperor is not satisfied with this place, then within one month after he has landed at the said last port, the sacred council will transfer itself to one of the said places nominated by the same council, as was said above.

Also that, in any event, all the above shall be fulfilled by both parties; and all the above shall be effected in a really stable way and with the greatest force and security that is possible for the sacred council, namely by a decree and under a seal. Also, when all the aforesaid matters have been concluded and agreed and, as was said, fully confirmed, the supreme pontiff should give his express consent by his patent bulls. Everything above is to be understood in good faith, without fraud or deceit and without legitimate or manifest impediment. If all the clauses are fulfilled, the said ambassadors of the Greeks shall state and promise that assuredly the above persons will come even if there should be war and threats to their city, and in confirmation of all this they will deliver to the sacred council a

â protovestiary *Mxv*

† Council of Constance, session 39 (see above pp. 438-439).

nem tradent mandatum praefati imperatoris sub bulla aurea sacro concilio, et pro praedicto imperatore ipsi et alii iurabunt, scribendo et subscribendo propter firmam et veram fidem quod fieri debeat cum Deo universalis sancta synodus, si mors imperatoris non intervenerit, aut impedimentum aliquod manifestum et verum, quod fugi vitarique non possit.

Postremo petitum est ab ipsis ambaxiatoribus Graecorum, ut exponerent quaedam nomina, in eorum instructionibus contenta. Et primo quid intelligant per verbum „synodus universalis“: responderunt quod papa et patriarchae sint in dicto synodo per se vel procuratores suos: similiter et alii praelati sint ibidem vere vel repraesentative, promittentes, ut supra, quod dominus imperator Graecorum et patriarcha Constantinopolitanus intererunt personaliter; „libera et inviolata^{1*}, hoc est, quod unicuique liceat libere dicere iudicium suum sine cuiusdam impedimento vel violentia; „sine contentione^{2*}, hoc est sine contentione rixosa et contumeliosa: non tamen excluduntur disputationes et collationes necessariae, pacificae, honestae, et caritativae. „Apostolica et canonica^{3*} haec omnia quomodo intelligi debeant, et de modo procedendi in synodo, remittunt se ad ea quae ipsa universalis synodus declarabit et ordinabit. Item quod imperator Graecorum et eorum ecclesia habeat honores suos, hoc est quos habebat tempore exortii praesentis schismatis, salvis semper iuribus, honoribus, privilegiis et dignitatibus summi pontificis, et Romanae ecclesiae, et imperatoris Romanorum. Et quod si qua dubitatio oriatur, detur⁸ declarationi universalis concilii praefati. Sequitur tenor mandati dicti imperatoris sub bulla aurea de graeco in latinum translatus: *Quoniam missi fuerunt*. . .¹; et littera domini patriarchae Constantinopolitani de graeco in latinum translata sub bulla plumbea, et est talis: *Iosepb Dei gratia archiepiscopus Constantinopolitanus . . . Litteras reverentiae vestrae recipimus*

Suprascripta igitur capitula et conventiones haec sancta synodus auctoritate universalis ecclesiae praesenti decreto approbat, ratificat et confirmat, statuitque ac decernit, et pollicetur ea et eorum quodlibet servare et inconcussa tenere, ut praemittitur. Quae cum ad incrementum fidei orthodoxae, utilitatemque ecclesiae catholicae, et totius populi christiani pertinent, omnibus fidem Christi diligentibus, grata plurimum et accepta esse debent. Et quoniam, ut praescriptum est, ipsi Graeci propter nonnullas causas postulant, ut sanctissimus dominus Eugenius papa IV, dictis capitulis et conventionibus expresse consentiat, ne propter hoc tantum bonum negligatur, ipsum Eugenium haec sancta synodus cum omni caritate obsecrat et deprecatur, ac per viscera misericordiae Iesu Christi³, cum quanta potest instantia exorat ac requirit, ut in favorem fidei et ecclesiasticae unitatis praefatis capitulis et conventionibus synodali decreto approbatis et ratificatis per suas litteras more Romanae curiae bullatas expressum assensum praebeat.

1 inviolenta Ai/j b stetur *Mx**

1 *Mxv* 2» 756; *Msi* 29» 96. 1 *Mxv* 2» 756-757; *Msi* 29, 97. · Cf. *Lc* 1, 78.

chrysobull of the said emperor; and on behalf of the said emperor they and the others shall take an oath, in writing and signed, in pledge of their firm and true belief that the universal holy synod ought to take place with God's help, unless there intervenes the death of the emperor or some obvious and real obstacle that cannot be escaped or avoided.

Lastly, the ambassadors of the Greeks were requested to explain the meaning of some terms contained in their instructions. First, what they understand by "universal synod". They replied that the pope and the patriarchs ought to be present at the synod either in person or through their procurators; similarly other prelates ought to be present either in person or through representatives; and they promised, as is stated above, that the lord emperor of the Greeks and the patriarch of Constantinople will participate in person. "Free and inviolate", that is each may freely declare his judgment without any obstacle or violence. "Without contention", that is without quarrelsome and ill-tempered contention; but debates and discussions which are necessary, peaceful, honest and charitable are not excluded. "Apostolic and canonical", to explain how these words and the way of proceeding in the synod are to be understood, they refer themselves to what the universal synod itself shall declare and arrange. Also that the emperor of the Greeks and their church shall have due honour, that is to say, what it had when the present schism began, always saving the rights, honours, privileges and dignities of the supreme pontiff and the Roman church and the emperor of the Romans. If any doubt arises, let it be referred to the decision of the said universal council. There follows the text of the chrysobull of the said emperor translated from Greek into Latin, *Whereas there were sent.. ?* ; and the letter of the lord patriarch of Constantinople with a leaden seal translated from Greek into Latin, which is as follows, *Joseph by the grace of God archbishop of Constantinople ... we receive the letter of your reverence .. .2*

By the authority of the universal church, therefore, this holy synod by this present decree approves, ratifies, confirms, determines and decrees the above clauses and agreements, and it promises to observe each and all of them and to keep them intact, as is said above. As they lead to an increase of the orthodox faith and the benefit of the catholic church and the whole Christian people, they should be most welcome and acceptable to all who love the faith of Christ. Since, as has been said above, the Greeks for a variety of reasons request that the most holy lord pope Eugenius IV should expressly consent to these clauses and agreements, lest on this account so great a good should be let slip, this holy synod implores and begs Eugenius in all charity, and through the tender mercy of Jesus Christ³ it requests and demands with all possible insistence, that he expresses his assent, for the benefit of the faith and of ecclesiastical unity, to the aforesaid clauses and agreements, which have already been approved and ratified by a synodal decree, by his bulls in the customary style of the Roman curia.

¹ Mxv 2, 756; Msi 29, 96.

² Mxv 2, 756-757; Msi 29, 97.

³ See Lk 1, 78.

[Decretum de iudaeis et neophytis]

Sacrosancta generalis synodus Basileensis, in Spiritu sancto legitime congregata, universalem ecclesiam repraesentans, ad perpetuam rei memoriam. Salvatoris nostri Iesu Christi sequens vestigial haec sancta synodus illud gerit potissime in visceribus caritatis, ut omnes evangelicam veritatem agnoscant, et in ea, postquam agnoverint, fideliter perseverent. Proinde, ut iudaei aliique infideles ad orthodoxam convertantur fidem, quique ad ipsam conversi fuerint in illa constanter permaneant, his salubribus institutis providere decernens, in primis statuit, ut omnes dioecesani quosdam in litteris divinis bene eruditos aliquot vicibus annuatim deputent in locis, ubi iudaei aut alii infideles degunt, ad praedicandum et explanandum taliter catholicae fidei veritatem, ut ipsi infideles qui audiunt, suos valeant errores recognoscere. Ad quam praedicationem sub poenis tam commercii per fideles illis interdicens, quam aliis ad hoc opportunis ipsos infideles cuiuscumque sexus in annis discretionis constitutos accedere compellant. Ipsi autem dioecesani ac praedicantes ita se erga illos propitios ac caritate plenos exhibeant, ut non solum propalatione veritatis, sed et aliis humanis officiis ipsos Christo lucrifaciant. Christianos autem cuiuscumque dignitatis aut status, quomodolibet impediens, ne iudaei ad huiusmodi praedicationem conveniant, aut arceantur, notam fautoriae infidelitatis incurrere ipso facto decernit. Ut autem haec praedicatio eo sit fructuosior, quod praedicantes linguarum habuerint peritiam, omnibus modis servari praecipimus constitutionem editam in concilio Viennensi², de duobus docere debentibus in studiis ibidem expressis linguas Hebrai Arabicam, Graecam, et Chaldaeam: quae ut efficacius observetur, rectores ipsorum studiorum inter alia, quae in assumptione rectoratus iurant, hoc etiam addi volumus, operam se pro ipsius constitutionis observatione datuos. In conciliis etiam illarum provinciarum, in quibus huiusmodi studia constituta sunt, omnino disponatur, ut hi, qui praedictas linguas docturi sunt, stipendia debita percipere valeant. Sacros insuper canones renovantes, praecipimus tam dioecesanis, quam potestatibus saecularibus, ut modis omnibus prohibeant, ne iudaei aut alii infideles, aut christianos, aut Christianas in familiares, seu servientes, aut filiorum suorum nutrices, habeant, ac ne christiani cum ipsis in eorum festivitatibus, nuptiis, et conviviiis, aut balneis, seu nimia conversatione communi-cent, aut medicos, vel matrimoniorum proxenetas, seu aliorum contractuum mediatores de publico constitutos assumant, nec aliis publicis praeponant officiis, aut ad gradus quoscumque scholasticos admittant, nec eis locentur praedia, vel alii redditus ecclesiastici. Prohibeantur etiam libros ecclesiasticos, calices, cruces, et alia ecclesiarum ornamenta, sub poena perditionis rei emere, aut pignori sub poena amissionis pecuniae mutuatae accipere. Sub gravibus quoque poenis cogantur aliquem deferre habitum, per quem a christianis evidenter discerni possint. Quorum ut

a humanitatis *Dc* b maiorem r. / . *Afri*

1 Cf. 1 Pt 2,21. * Conc. Vienn., c. 24 (v. supra pp. 379-380).

[Decree on Jews and neophytes]

The holy general synod of Basel, legitimately assembled in the holy Spirit, representing the universal church, for an everlasting record. This holy synod, following in the footsteps of our saviour Jesus Christ¹, desires in deepest charity that all may acknowledge the truth of the gospel and thereafter abide in it faithfully. By these salutary instructions it desires to provide measures whereby Jews and other infidels may be converted to the orthodox faith and converts may remain steadfastly in it. It therefore decrees that all diocesan bishops should depute persons well trained in scripture, several times a year, in the places where Jews and other infidels live, to preach and expound the truth of the catholic faith in such a way that the infidels who hear it can recognise their errors. They should compel infidels of both sexes who have reached the age of discretion, to attend these sermons under pain both of being excluded from business dealings with the faithful and of other apposite penalties. But the bishops and the preachers should behave towards them with such charity as to gain them for Christ not only by the manifestation of the truth but also by other kindnesses. The synod decrees that Christians of whatever rank or status who in any way impede the attendance of Jews at these sermons, or who forbid it, automatically incur the stigma of being supporters of unbelief.

Since this preaching will be more fruitful in proportion to the linguistic skill of the preachers, we decree that there must be faithful observance of the constitution of the council of Vienne², which ordered the provision in certain universities of teachers of the Hebrew, Arabic, Greek and Chaldean languages. So that this may be more adhered to, we wish that the rectors of these universities should add to what they swear to on taking office, that they will endeavour to observe the said constitution. It should be clearly laid down, at the councils of the provinces in which these universities are situated, that the teachers of the said languages are to be adequately recompensed.

Furthermore, renewing the sacred canons, we command both diocesan bishops and secular powers to prohibit in every way Jews and other infidels from having Christians, male or female, in their households and service, or as nurses of their children; and Christians from joining with them in festivities, marriages, banquets or baths, or in much conversation, and from taking them as doctors or agents of marriages or officially appointed mediators of other contracts. They should not be given other public offices, or admitted to any academic degrees, or allowed to have on lease lands or other ecclesiastical rents. They are to be forbidden to buy ecclesiastical books, chalices, crosses and other ornaments of churches under pain of the loss of the object, or to accept them in pledge under pain of the loss of the money that they lent. They are to be compelled, under severe penalties, to wear some garment whereby they can be clearly distinguished from Christians. In order to prevent too much intercourse,

¹ Sec 1 Pt 2,21.

² Council of Vienne, const. 24 (see above pp. 379-380).

evitetur nimia conversatio, in aliquibus civitatum et oppidorum locis a Christianorum cohabitatione separatis habitare compellantur, et ab ecclesiis longius quantum fieri potest. Nec diebus dominicis et aliis solemnibus festivitibus apothecas apertas tenere vel in publico laborare praesumant.

[De his qui volunt ad fidem converti]*

Si quis eorum ad fidem catholicam converti voluerit, bona sua, quaecumque habet mobilia et immobilia, ei intacta illaesaque permaneant. Quod si huiusmodi bona ex usura aut illicito quaestu fuerint acquisita, ac
 10 notae sint personae, quibus foret de iure restitutio facienda, quia non dimittitur peccatum, nisi restituatur ablatum, illis restitui omnino oportet. His vero personis non extantibus, quia talia per manus ecclesiae in pios essent usus convertenda, haec sancta synodus vicem gerens universalis ecclesiae, in favorem concedit suscepti baptismatis tanquam in pium usum apud ipsos remanere debere, sub poena divini anathematis tam ecclesiasticis quam saecularibus interdicens, ut nullam super his, quovis quaesito colore, molestiam inferant aut inferri patiantur, sed magnum se fecisse lucrum existiment, dum tales Christo lucrati fuerint. Et quoniam, ut scriptum est, *qui habuerit substantiam mundi huius, et viderit fratrem suum necessitatem habere, et clauserit viscera sua ab eo, quomodo caritas Dei manet in ipso?*² si ipsi conversionis tempore inopes, aut indigentes fuerint, *per viscera misericordiae Dei*³ omnes tam ecclesiasticos quam saeculares haec sancta synodus exhortatur, ut ipsis conversis manus porrigant adiutrices. Ipsi quoque dioecesani non solum christianos ad subveniendum illis exhortentur, sed tam de redditibus ecclesiarum, prout poterunt, quam de his quae ad pauperum usus per ipsos convertenda devolvuntur, huiusmodi neophytos sustentare non negligant, ipsosque a detractionibus, contumeliis, paterna affectione defendant. Et quoniam per gratiam baptismi *cives sanctorum et domestici Dei*^{*} efficiuntur, longeque dignius sit regenerari spiritu, quam nasci carne, hac edictali lege statuimus, ut civitatum et locorum, in quibus sacro baptismo regenerantur, privilegiis, libertatibus et immunitatibus gaudeant, quae ratione duntaxat
 40 nativitatis et originis alii consequuntur. Curent insuper sacerdotes baptizantes, et hi qui de sacro fonte suscipiunt, tam ante baptismum quam post, illos in articulis fidei ac legis novae praeceptis, catholicaeque ecclesiae ritibus diligenter instruere. Et tam ipsi quam dioecesani operam dent, ne cum iudeis seu infidelibus, saltem per longum tempus, penitus conversentur, ne, sicut noviter contingit ab infirmitate curatis, modica occasio ad pristinam perditionem recidivos efficiat. Et quoniam, experientia teste, mutuam inter se neophytorum conversationem ipsos in fide
 nostra fragiliores reddere, ac saluti ipsorum plurimum officere comper-
 tum est, exhortatur haec sancta synodus locorum ordinarios, ut quantum

¹ ow. *Mxv*

¹ Cf. 1 Cor 9,19-22. » 110 3,17. » 1x1,78. < 1 Eph 2,19.

they should be made to dwell in areas, in the cities and towns, which are apart from the dwellings of Christians and as far distant as possible from churches. On Sundays and other solemn festivals they should not dare to have their shops open or to work in public.

[About those who desire conversion to the faith]'

If any of them wishes to be converted to the catholic faith, all his goods, both movable and immovable, shall remain intact and unharmed in his possession. But if his goods were acquired by usury or illicit dealings, and the persons to whom restitution ought to be made are known, it is absolutely necessary that this restitution be made, since the sin is not forgiven unless the illegal object is restored. However, if these persons are no longer an issue because the church has turned the goods to pious uses, this holy synod, acting for the universal church, grants in favour of the baptism received that the goods should remain with the church as a pious use, and it forbids both ecclesiastics and secular persons, under pain of divine anathema, to cause or allow to be caused any vexation on this count under any pretext whatsoever, but they should regard it as a great gain to have won such persons for Christ¹. Moreover since, as it is written, *if anyone has this world's goods and sees his brother in need, yet closes his heart against him, how does God's love abide in him?*², this holy synod *through the tender mercy of God*³ exhorts all, both ecclesiastics and secular persons, to stretch out helping hands to such converts if they are poor or in need at the time of their conversion. Bishops should exhort Christians to aid these converts and should themselves support them from the income of churches, as far as they can, and from what passes through their hands for the benefit of the poor, and they should defend them with fatherly solicitude from detraction and invective.

Since by the grace of baptism converts have been made *fellow citizens with the saints and members of the household of God*⁴, and since regeneration in the spirit is of far greater worth than birth in the flesh, we determine by this edict that they should enjoy these privileges, liberties and immunities, of the cities and localities in which they are regenerated by holy baptism, which others obtain merely by reason of birth and origin. Let the priests who baptise them and those who receive them from the sacred font carefully instruct them, both before and after their baptism, in the articles of the faith and the precepts of the new law and the ceremonies of the catholic church. Both they and the bishops should strive that, at least for a long time, they do not mingle much with Jews or infidels lest, as occurs with convalescents from illness, a small occasion may make them fall back into their former perdition. Since experience shows that social communication between converts renders them weaker in our faith, and has been found to damage much their salvation, this holy synod exhorts local ordinaries to exercise care and zeal that they are married to born-Christians, in so far as this seems to

' heading omitted in Mxv

¹ See 1 Cor 9, 19-22. ² 1 Jn 3, 17. ³ Lk 1, 78. ⁴ Eph 2, 19.

pro incremento tidci viderint expedire, curent et studeant neophytos ipsos cum originariis Christianis matrimonio copulare. Prohibeatur et his neophytis sub gravibus poenis, ne mortuos more Judaeorum sepeliant, aut sabbata aliasque solemnitates et antiquae sectae ritus quoquo modo observent. Sed et ecclesias et praedicationes nostras, prout alii catholici, frequentent, et in omnibus se Christianorum moribus conformes reddant. Contemptores autem praedictorum, per sacerdotes in quorum parochiis siti sunt, aut alios ad quos de iure vel antiqua consuetudine de talibus inquirere spectat, ac etiam per alios quoscumque, dioecesanis, seu inquisitoribus haereticae pravitatis deferantur: et invocato, si opus fuerit, auxilio brachii saecularis, per eos taliter puniantur, quod et aliis transeat in exemplum. De his omnibus in conciliis provincialibus et synodalibus diligens nat inquisitio, et tam citra episcopos et sacerdotes in praemissis négligentes, quam ipsos -neophytos et infideles praedictorum contemptores, opportunum adhibeatur remedium. Si quis autem, cuiuscumque gradus vel praeeminendae, huiusmodi neophytos, ne ad observationem ritus christiani, seu alicuius praemissorum compellantur, foveat atque defendat, poenas contra fautores haereticorum promulgatas incurrat. Neophyd vero si se corrigere post canonicam monitionem neglexerint, quin ad vomitum iudaizantes redire comperti sint, contra eos tanquam perfidos haeredeos secundum sacrorum canonum instituta procedatur. Si qua vero ipsis Judaeis vel infidelibus indulta seu privilegia per quoscumque ecclesiasticos seu saeculares cuiuscumque status seu dignitatis, etiamsi papaiis vel imperialis existant, concessa iam sint, vel in futurum concedi contingat, vergentia quoquo modo in detrimentum catholicae fidei, nominis Christiani, seu quorumcumque praemissorum, haec sancta synodus cassa et irrita esse decernit, decretis et constitutionibus apostolicis ac synodalibus, quae super praemissis condita sunt, in suo robore duraturis. Et ut huiusmodi sanctae constitudonis iugis memoria habeatur, et ut* ne quisquam ipsius ignorandam praetendere possit, iubet haec sancta synodus, ut per singulas cathédrales et collegiatas ecclesias, aliaque pia l , in quibus uberior est fidelium concursus, semel in anno ad minus infrab divina promulgetur.

SESSIO XX

22 ian. 1435

[Decretum de concubinariis]

Sacrosancta Basileensis, generalis synodus in Spiritu sancto legitime 35 congregata, universalem ecclesiam repraesentans, ad perpetuam rei memoriam. Tanto sumus ad concedendum petentibus laudabili per nos ordinatione statuta et decreta sub forma authendea proniores, quanto ex hoc statutis et decretis huiusmodi circa eorum observationem valeat fides certior adhiberi. Hinc est quod nos tenores constitutionum inferius de- 40

» om. *Dc Mxv* b diem *add.* ». *I. Mei*

promote an increase of the faith. Converts should be forbidden, under pain of severe penalties, to bury the dead according to the Jewish custom or to observe in any way the sabbath and other solemnities and rites of their old sect. Rather, they should frequent our churches and sermons, like other Catholics, and conform themselves in everything to Christian customs. Those who show contempt for the above should be delated to the diocesan bishops or inquisitors of heresy by their parish priests, or by others who are entrusted by law or ancient custom with inquiring into such matters, or by anyone else at all. Let them be so punished, with the aid of the secular arm if need be, as to give an example to others.

There should be careful inquiry into all these things in provincial councils and synods, and an opportune remedy should be applied not only to negligent bishops and priests but also to converts and infidels who scorn the above. If anyone, of whatever rank or status, shall encourage or defend such converts against being compelled to observe the Christian rite or anything else mentioned above, he shall incur the penalties promulgated against abettors of heretics. If converts fail to correct themselves after a canonical warning, and as Judaizers are found to have returned to their vomit, let proceedings be taken against them as against perfidious heretics in conformity with the enactments of the sacred canons. If there have been granted to Jews or infidels, or perhaps shall be granted to them in the future, any induits or privileges by any ecclesiastics or secular persons, of whatever status or dignity, even papal or imperial, which tend in any way to the detriment of the catholic faith, the Christian name or anything mentioned above, this holy synod decrees them quashed and annulled; the apostolic and synodal decrees and constitutions enacted about the above remaining in force. In order that the memory of this holy constitution may be perpetually retained and that nobody may be able to claim ignorance of it, the holy synod orders that it should be promulgated at least once a year during divine service in all cathedral and college churches and other holy places where the faithful gather in large numbers.

SESSION 20

22 January 1435

[Decree on concubinaries]

The holy general synod of Basel, legitimately assembled in the holy Spirit, representing the universal church, for an everlasting record. We are inclined to grant requests for authentic statutes and decrees in proportion to the likelihood that they will be observed. For this reason we ordered to be extracted from our acts and recorded in this present document, at the request of the beloved sons of

scriptarum, per nos dudum editarum et in sessione publica per nos in
maiori ecclesia Basileensi undecimo kalendas februarii, anno Domini
millesimo quadringentesimo trigesimoquinto celebrata publicatarum, et
apud acta nostra de mandato nostro descriptarum, ad dilectorum eccle-
siae filiorum, etc. N. et N. qui tenores huiusmodi se in iudicio et extra
asserunt indigere, supplicationis instrumentum de actis ipsis extrahi et
praesentibus annotari fecimus, quae sequuntur in haec verba* : Quicum-
que clericus, cuiuscumque status, conditionis, religionis, dignitatis,
etiamsi pontificalis vel alterius praeeminendae existât, qui post huius con-
stitutionis notitiam, quam habere praesumatur, per duos menses post
publicationem eiusdem in ecclesiis cathedralibus, quam ipsi dioecesani
omnino facere teneantur, postquam eadem constitutio ad eorum notitiam
pervenerit, fueritb publicus concubiniarius, a perceptione fructuum om-
nium suorum beneficiorum trium mensium spatio sit ipso facto suspen-
sus, quos suus superior in fabricam vel aliam evidentem ecclesiarum utili-
tatem, ex quibus hi fructus percipiuntur, convertat: nec non et huiusmodi
publicum concubinarium, ut primum talem esse innotuerit, mox suus supe-
rior monere teneatur, ut infra brevissimum terminum concubinam dimittat.
Quam si non dimiserit, vel dimissam aut aliam publice resumpserit, iubet
haec sancta synodus ut ipsum suis omnibus beneficiis omnino privet.
Et nihilo minus hi publici concubinarii, usquequo cum eis per suos
superiores post ipsarum concubinarum dimissionem, manifestamque
vitae emendationem, fuerit dispensatum, ad susceptionem quorumcum-
que bonorum, dignitatum, beneficiorum vel officiorum sint inhabiles.
Qui si post dispensationem recidivo vomitu ad huiusmodi publicum con-
cubinatum redierint, sine spe alicuius dispensationis ad praedicta pror-
sus inhabiles existant. Quod si hi, ad quos talium correctio pertinet, eos,
ut praedictum est, punire neglexerint, eorum superiores tam in ipsos de
neglectu, quam in illos pro concubinato, modis omnibus digna punitione
animadvertant. In conciliis etiam provincialibus et synodalibus adversus
tales punire négligentes, vel de hoc crimine diffamatos, etiam per suspen-
sionem a collatione beneficiorum vel alia condigna poena severiter proce-
datur. Et si hi, quorum destitutio ad summum pontificem spectat, per
concilia provincialia aut suos superiores propter publicum concubinatum
reperiantur privatione digni, statim cum processu inquisitionis ipsi
summo pontifici deferantur. Eadem diligentia et inquisitio in quibuscum-
que capitulis generalibus et provincialibus quoad suos servetur, poenis
aliis contra praedictos et alios non publicos concubinarios statutis in suo
robores permansuris. Publici autem intelligendi sunt non solum hi quorum
concubinatus per sententiam aut confessionem in iure factam, seu per
rei evidentiam, quae nulla possit tergiversatione celari, notorius est,
sed qui mulierem de incontinentia suspectam et infamatam tenet, et per
suum superiorem admonitus ipsam cum effectu non dimittit. Quia vero

» Tanto ... verba *om.* *Dc Mxv* b fuit *Mxv*

1 Cf. Pro 26.11; 2Pt2,22.

the church N. and N., who assert that they need texts of this kind for judicial and extra-judicial purposes, the texts of the constitutions transcribed below, which we issued some time ago and promulgated in the cathedral church of Basel on 22 January 1435 and incorporated into our acts. They are as follows¹.

Any cleric of whatsoever status, condition, religious order or dignity, even if it be episcopal or some other pre-eminence, who, after receiving notice of this constitution, as he may be presumed to have done, for two months after its publication in cathedral churches, which bishops are bound to arrange, after the constitution has come to his notice, still persists as a public concubinary, shall automatically be suspended for three months from the fruits of all his benefices. These fruits shall be consigned by his superior to the fabric or some other evident need of the churches from which the fruits come. His superior is bound to admonish him, as soon as he is aware that he is a public concubinary, to dismiss his concubine within a very short time. If he does not dismiss her, or having dismissed her takes her again or another woman, this holy synod orders his superior to deprive him of all his benefices. These public concubinaries, moreover, shall be disqualified from receiving any goods, dignities, benefices or offices until such time as, after dismissing their concubines and an evident emendation of their lives, they shall have received a dispensation from their superiors. Those who receive a dispensation and then return to public concubinage, as to their vomit¹, shall be totally debarred from the above without any hope of another dispensation. If those who are responsible for correcting such people fail to punish them, as stated above, their superiors shall punish properly both them for their neglect and the others for their concubinage. Severe measures must be taken also in provincial and synodal councils against both those who neglect to punish and those who are reputed offenders, even by suspension from the conferment of benefices or some other adequate penalty. Those who are found by provincial councils or their superiors to deserve deprivation for public concubinage, but who can be deprived only by the supreme pontiff, should be referred immediately to the supreme pontiff together with the process of inquiry. The same diligence and inquiry should be employed by general and provincial chapters in respect of their subjects: and other penalties established against them and other non-public concubinaries are to remain in force. By “public” is meant not only someone whose concubinage is made notorious by a judicial sentence or a legal confession or by a notoriety that no subterfuge can conceal, but also anyone who keeps a woman suspected of incontinence and of ill repute and who, after being admonished by his superior, does not dismiss her.

¹ We are inclined ... follows *omitted in De Mxv*

¹ See Pro 26, 11 ; 2 Pt 2, 22.

in quibusdam regionibus nonnulli jurisdictionem ecclesiasticam habentes, pecuniarios quaestus a concubinariis percipere non erubescunt, patiando eos in tali foeditate sordescere: sub poena maledictionis aeternae praecipit, ne deinceps sub pacto, compositione, aut spe alicuius quaestus, talia quovis modo tolerant aut dissimulent: alioquin ultra praemissam negligentiae poenam, duplum eius quod propterea acceperint, restituere ad pios usus omnino teneantur et compellantur. Ipsas autem concubinas, seu mulieres suspectas, praelati modis omnibus curent a suis subditis etiam per brachii saecularis auxilium, si opus fuerit, penitus arcere: qui etiam ex tali concubinato procreatos filios apud patres suos cohabitare non permittant. Iubet insuper haec sancta synodus, ut etiam in praedictis synodis et capitulis haec constitutio publicetur, et quilibet suos subditos ad ipsarum concubinarum dimissionem moneat diligenter. Iniungat* praeterea omnibus saecularibus viris, etiamsi regali praefulgeant dignitate, ne ullum qualecumque inferant impedimentum, quocumque quaesito colore, praelatis qui ratione sui officii adversus suos subditos pro huiusmodi concubinato procedunt. Et cum omne fornicationis crimen lege divina prohibitum sit, et sub peccati mortalis poena necessario evitandum, monet omnes laicos tam uxoratos quam solutos, ut similiter a concubinato abstineant. Nimis enim reprehensibilis est qui uxorem habet, et ad alienam mulierem accedit: qui vero solutus est, si continere nolit, iuxta apostoli consilium, uxorem ducat¹. Pro huius autem divini observatione praecepti, hi, ad quos pertinet, tam salutaribus monitis quam aliis canonicis remediis omni studio laborent.

[De excommunicatis non vitandis certo modo nonb vocatisb] 25

Ad vitandum scandala et multa pericula, subveniendumque conscientiis timoratis, statuit etiam quod nemo deinceps a communione alicuius in sacramentorum administratione vel receptione, aut aliis quibuscumque divinis, vel extra, praetextu cuiuscumque sententiae aut censurae ecclesiasticae, seu suspensionis, aut prohibitionis, ab homine vel a iure generaliter promulgatae, teneatur abstinere, vel aliquem vitare, aut interdictum ecclesiasticum observare, nisi sententia, prohibitio, suspensio, vel censura huiusmodi, fuerit⁰ in vel contra personam, collegium, universitatem, ecclesiam aut locum certum aut certam, a iudice publica vel denunciata specialiter aut expresse: aut si aliquem ita notorie excommunicationis sententiam constiterit incidisse, quod nulla possit tergiversatione celari, aut aliquo modo iuris suffragio excusari. Nam a communione illius abstinere vult iuxta canonicas sanctiones. Per hoc tamen huiusmodi excommunicatos, suspensos, interdictos, seu prohibitos, non intendit in aliquo relevare, nec eis quomodolibet suffragari.

> iniungit *Dc Mxv* *D Gm. Dc AIXv* c fuerint *Dc Mxv*
d ecclesiasticas f. /. *Mli* c revelare r. /. *Msi*

¹ Cf. 1 Cor 7, 9.

Because in some regions there are persons with ecclesiastical jurisdiction who are not ashamed to accept bribes from concubinaries for allowing them to wallow in their tilth, this holy synod commands, under pain of eternal malediction, that henceforth they shall not tolerate or dissemble such conduct in any way by agreement, composition or promise; otherwise, in addition to the aforesaid penalty for negligence, they shall be strictly obliged and compelled to give to pious causes double what they have received in this way. Prelates should take every care to segregate from their subjects concubines and women of doubtful repute, even by recourse to the secular arm if need be, and they should not allow children born of such concubinage to live with their fathers. This holy synod also orders that this constitution is to be published in the aforesaid synods and chapters, and that stern warning should be given to subjects to dismiss their concubines. It also enjoins on all secular men, even if they are of royal rank, not to interpose any obstacle whatever under any excuse to prelates who proceed, in virtue of their office, against their subjects for concubinage. Moreover, since fornication of every kind is forbidden by divine law and is to be avoided under pain of mortal sin, this holy synod warns all lay people, both married and single, to abstain from concubinage. That man is most blameworthy who has a wife but goes to another woman. If a single man cannot abstain, let him marry, as the apostle advises¹. Let those responsible strive with all their strength, by salutary advice and canonical sanctions, for the observance of this divine precept.

[Excommunicates are not to be shunned unless specifically named]

To avoid scandals and many dangers and to relieve timorous consciences, this holy synod decrees that henceforth nobody shall be obliged to abstain from communion with anyone in the administration and reception of sacraments or in any other sacred or profane matters, or to shun someone or to observe an ecclesiastical interdict, on the ground of any ecclesiastical sentence, censure, suspension or prohibition that has been promulgated in general by a person or by the law, unless the sentence, prohibition, suspension or censure was specifically or expressly promulgated or pronounced by a judge against a specified person, college, university, church or place, or if it is clear that someone has incurred a sentence of excommunication with such notoriety that it cannot be concealed or in any way excused in law. For the synod wishes such persons to be avoided in accordance with canonical sanctions. By this, however, it does not intend any relief or favour to those so excommunicated, suspended, interdicted or prohibited.

¹ See 1 Cor 7, 9.

[De interdictis non leviter* ponendis]

Quoniam ex indiscreta interdictorum promulgatione multa consueverunt scandala evenire, statuit haec sancta synodus, quod nulla civitas, oppidum, castrum, villa, aut locus, ecclesiastico supponi possint interdicto, nisi ex causa, seu culpa ipsorum locorum aut domini⁸ seu rectorum vel officialium. Propter culpam autem, seu causam alterius cuiuscumque privatae personae, huiusmodi l¹ interdicti nequaquam possint auctoritate quacumque ordinaria vel delegata, nisi talis persona prius fuerit excommunicata ac denunciata, seu in ecclesia publicata, ac domini seu rectores vel officialio
 10 ciales ipsorum locorum, auctoritate iudicis requisite huiusmodi personam excommunicatam infra biduum inde cum effectum non eiecerint, aut ad satisfaciendum compulerint: qua etiam post biduum eiecta, recedente vel satisfaciente, mox divina resumere possint. Quod etiam in pendentibus locum habeat.

15

[Contra frivole appellantes]

Ut lites citius terminentur, super eodem gravamine, aut super eadem interlocutoria vim diffinitivae non habente, nullatenus liceat secundo appellare.. Quodque ante diffinitivam frivole vel iniuste appellans, ultra condemnationem expensarum, damnorum, et intéressé, in quindecim florenis
 20 nis auri de camera parti appellatae per appellationis iudicem condemnetur.

SESSIO XXI

9 iun.1435

[De annatis]

Sacrosancta Basileensis generalis synodus, in Spiritu sancto legitime congregata, universalem ecclesiam repraesentans, ad perpetuam rei memoriam. In nomine Spiritus sancti paracleti statuit haec sancta synodus, quod tam in curia Romana quam alibi, pro seu in confirmatione electionum, admissione postulationum, praesentationum provisione, collatione, dispositione, electione, postulatione, praesentatione, etiam a laicis facienda, institutione, installatione, et investitura, de ecclesiis etiam cathedralibus et metropolitanis, monasteriis, dignitatibus, beneficiis, officiisque ecclesiasticis quibuscu:^a nec non ordinibus sacris' et benedictionef ac pallio, de cetero nihil penitus ante vel post exigatur ratione litterarum bullae sigilli, armatarum communium, et minorum servitiorum, primorum fructuum, deportuum, aut sub quocumque alio titulo, colore, vel nomine, praetextu cuiusvis consuetudinis, privilegii vel statuti, aut alia quavis causa vel occasione, directe vel indirecte, solum scriptoribus, abbreviatoribusque et registratoribus litterarum seu minutarum, pro

a indifferenter v. *I. Mñ* b domini *Mxv* c regni sui v. */.* *Msi* d habebit v. */.* *Msi*
 c sacra *Dc* f nec non benedictionibus et sacra *Mxv*

[Interdicts are not to be imposed lightly]

Since an indiscriminating promulgation of interdicts has led to many scandals, this holy synod determines that no city, town, castle, vill or place may be laid under an ecclesiastical interdict except by reason or through the fault of the places themselves or of their lord, governors or officials. Such places cannot be laid under an interdict by any ordinary or delegated authority by reason or through the fault of any other private person, unless the person has been previously excommunicated and denounced, or publicly named in a church, and the lords or governors or officials of the places, though requested by the authority of a judge, have not effectively evicted the excommunicated person within two days or made him give satisfaction. If he is evicted after two days, or retires or gives satisfaction, divine services may be resumed straightaway. This applies also to dependencies of the place.

[Against frivolous appeals]

So that lawsuits may be brought to a speedier end, a second appeal is hereby forbidden if it is a question of the same complaint or if the appeal is made from the same interlocutory sentence which does not have the force of a final judgment. Anyone who makes a frivolous or unjust appeal before the final judgment shall be condemned by the appeal judge to pay to the party appealed against the sum of fifteen gold florins of the treasury, in addition to the expenses, damages and interest.

SESSION 21

9 June 1435

[On annates]

The holy general synod of Basel, legitimately assembled in the holy Spirit, representing the universal church, for an everlasting record. In the name of the holy Spirit the paraclete, this holy synod decrees that in future, both in the Roman curia and elsewhere, for the confirmation of elections, admission of postulations and provision of presentations and for collations, dispositions, elections, postulations, presentations, even if made by layfolk, institutions, installations and investitures, in respect of cathedral and metropolitan churches, monasteries, dignities, benefices and any ecclesiastical offices whatsoever, and for sacred orders, blessings and pallia, nothing whatsoever is to be exacted, either before or after, for sealing the bull of the letters, or for common annates, minor services, first fruits or dues, or under any other title or name, or on the pretext of any custom, privilege or statute, or for any other reason or occasion, directly or indirectly. Only the writers, abbreviators and registrars of the letters or minutes shall receive a suitable salary for their work. If anyone dares to

ipsorum labore competenti salario solvendo. Huic autem sacro canoni si quis exigendo, dando, vel promittendo contraire praesumpserit, poenam incurrat adversus simoniacos inflictam, et ipsis dignitatibus ac beneficiis taliter obtentis nullum ius ac titulum acquirat. Obligationes quoque, promissiones et censurae ac mandata, et quidquid in praeiudicium decreti 5 huius saluberrimi fieri continget, nullas obtinere vires atque irrita censeantur. Etsi, quod absit, Romanus pontifex, qui prae ceteris universalium conciliorum exequi et custodire canones debet, adversus hanc sanctionem aliquid faciendo ecclesiam scandalizet, generali concilio deferatur. Ceteri vero pro modo culpa iuxta canonicas sanctiones per 10 suos superiores digna ultione puniantur.

[De pacificis possessoribus]

Quicumque non violentus, sed habens coloratum titulum, pacifice et sine lite praelaturam, dignitatem, beneficium, vel officium triennio proximo hactenus possedit, vel in futurum possidebit, non possit postea 15 in petitorio vel possessorio a quoquam etiam ratione iuris noviter impetrati, molestari, excepto hostilitatis casu, vel alterius legitimi impedimenti, de quo protestari, et iuxta concilium Viennense¹ illud intimare teneatur. Lis² autem hoc casu quoad futuras controversias intelligatur, si ad executionem citationis, iurisque sui in iudicio exhibitionem, ac 20 terminorum omnium observationem, processum fuerit. Ordinarii autem diligenter inquirant, ne quis sine titulo beneficium possideat. Quod si talem quandocumque repererint, declarent ius illi non competere, vel huic, si sibi videatur, nisi sit intrusus, seu violentus, aut alias indignus, vel alteri idoneo provideant³. 25

[Quomodo divinum officium in ecclesia celebrandum sit]

Si quis principem saeculi rogaturus, habitu honesto, gestu decenti, prolatione non praecipiti, sed distincta, attenta quoque mente, seipsum ac verba studet componere, quanto diligentius in sacro loco omnipotentem oraturus Deum, haec⁴ omnino facere curare debet⁵? Statuit igitur 30 sancta synodus, ut in cunctis cathedralibus ac collegiatis ecclesiis, horis debitis, signis congrua pulsatione praemissis, laudes divinae per singulas horas non cursim ac festinanter, sed asiaticum⁶ ac tractim⁷, et cum pausa decenti, praesertim in medio cuiuslibet versiculi psalmorum, debitam faciendo inter solemne ac feriale officium differentiam, reverenter ab 35 omnibus persolvantur. Horas canonicas dicturi, cum tunica talari ac superpelliciis mundis ultra medias tibias longis vel cappis, iuxta temporum ac regionum diversitatem, ecclesias ingrediantur, non caputia, sed almucias⁸ vel birreta tenentes in capite. Qui cum in choro fuerint, gravi-

* His *Dc* b provideatur *Mxv* c omnia v. *I. Msi* d curabit v. *I. Msi*
c agiadm *Mxv* f adeatim sedatim v. *I. Msi* g almusicias *Mxv*

*0

¹ Rc vera in concilio Viennensi nihil videtur de hoc statutum esse.

contravene this sacred canon by demanding, giving or promising anything, he shall incur the penalty inflicted on simoniacs and shall acquire no right or title to the dignities or benefices thus obtained. Obligations, promises, censures and mandates, and whatever is done to the prejudice of this most salutary decree, are to be deemed null and void. Even if, which God forbid, the Roman pontiff, who beyond all others should carry out and observe the canons of universal councils, should scandalize the church by acting contrary to this sanction, he should be delated to a general council. Others are to be punished by their own superiors with a fitting penalty, proportionate to their offence, in accordance with canonical sanctions.

[About those in peaceful possession]

Whoever has been in possession for the last three years, not through violence but with a specious title, peacefully and without a lawsuit, of a prelacy, dignity, benefice or office, or shall have possession of them in the future, cannot be disturbed afterwards in his claim or possession by anyone, even by reason of a newly enacted law, except in the case of warfare or some other legitimate impediment, which he must protest and intimate in accordance with the council of Vienn¹. A lawsuit in this case is to be understood as regards future controversies, if the proceedings have reached the execution of the citation, the exhibition of his right in the judgment and the observance of all the terms. Ordinaries, however, should make careful inquiry to see that nobody possesses a benefice without a title. If they find such a person, they shall declare that the right does not belong to him, and they shall give the right either to him, if they think fit, unless he is an intruded person or violent or undeserving in some other way, or to some other suitable person.

[How the divine office is to be celebrated in church]

A person who is about to make a request to a secular prince takes pains to compose himself and his words by decent dress, becoming gesture, regulated speech and close attention of mind. How much more careful ought he to be in all these things when he is about to pray to almighty God in a sacred place! The holy synod therefore decrees that in all cathedral and collegiate churches, at suitable times and at the sound of a bell, the divine praises shall be reverently celebrated by everyone through all the hours, not hurriedly but gravely and slowly and with reasonable pauses, especially in the middle of each verse of the psalms, and with a suitable distinction between solemn and ferial offices. Those who recite the canonical hours shall enter the church wearing an ankle-length gown and a clean surplice reaching below the middle of the shin-bone or a cloak, according to the different seasons and regions, and covering their heads not with a cowl but with an amice or a biretta. Having arrived in the choir, they shall behave with such gravity as the place and the duty demand, not gossiping or

¹ In fact the council of Vienne seems to have decreed nothing about this.

tatem seruent, quam et locus et officium exigunt; non insimul aut cum aliis contabulantes seu colloquentes, aut litteras seu scripturas alias legentes. Et cum psallendi gratia ibidem conveniant, iuncta ac clausa labia tenere non debent, sed omnes, praesertim qui maiori funguntur
 5 honore, in psalmis, hymnis et canticis Deo alacriter modulentur. Cum dicitur, Gloria Patri et Filio et Spiritui sancto, omnes consurgant. Cum nominatur gloriosum illud nomen Iesus, in quo *omne genu flectitur, caelestium, terrestrium et infernorum*¹, omnes caput inclinent. Nemo ibidem dum horae in communi publice cantantur, legat vel dicat privatim
 io officium: nam non solum obsequium, quo obnoxius est, choro subtrahit, sed alios psallentes perturbat. Super his debite observandis, aliisque ad divini officii prosecutionem ac chori disciplinam spectantibus, decanus, vel cui onus incumbit, diligenter invigilet, hinc inde, ne quid inordinate fiat, circumspiciens. Horum autem transgressores, illius horae in qua circa
 is praedicta excesserint, vel alia maiori, prout transgressionis gravitas exigit, plectentur poena.

[Quo tempore quisque debet esse in choro]

Qui in matutinis ante finem psalmi *Venite exultemus*¹, in aliis horis ante finem primi psalmi, in missa ante ultimum Kyrie eleison, usque in finem
 20 divino officio non interfuerit, nisi forte necessitate cogente ac petita et obtenta a praesidente chori licentia discedere oporteat, pro illa hora absens censeatur, salvo ecclesiarum consuetudinibus, si quae forte circa hoc arctiores existant. Idem in his observetur, qui a principio usque in finem in processionibus non permanserint. Pro cuius executione depute-
 25 tur aliquis, onus habens notandi personas singulas statuto tempore non convenientes, iuramento adstrictus agere fideliter, et nulli parcere. lubet etiam haec sancta synodus, quod in illis ecclesiis, in quibus singulis horis certae distributiones statutae non sunt, omnino etiam de grossis fructibus, si opus sit, deputentur, ut iuxta mensuram laboris plus minusve quisque
 μ capiat emolumenti, tollens prorsus abusum illum, quocum in una duntaxat hora praesens totius diei distributiones usurpat, et illum quo praepositi, vel decani, aut alii officiales, ex hoc solum quod officiales sunt, licet actualiter pro utilitate ecclesiae non absint, quotidianas distributiones praecipiant⁰.

[Qualiter horae canonicae extra chorum dicendae sint]

Quoscumque etiam alibi beneficiâtes, seu in sacris constitutos, cum ad horas canonicas teneantur, admonet haec sancta synodus, si orationes suase Deo acceptas fore cupiunt, ut non in gutture, vel inter dentes, seu deglutiendo aut syncopando dictiones nec colloquia, vel risus inter-

40 » muta *Mxe* b in ecclesia *adi. Mxv*
 c quod *Mxt* d percipiunt *Mxv* e *om. Dc* f vel v. *I. Mii*

¹ Ph 2,10. ⁰ Ps 94,1.

talking among themselves or with others, nor reading letters or other writings. They have gathered there to sing, so they should not keep their mouths shut; rather all of them, especially those with more important functions, should sing to God eagerly in psalms, hymns and canticles. When “Glory be to the Father and to the Son and to the holy Spirit” is being recited, all shall rise. Whenever mention is made of the glorious name of Jesus, at which *every knee should bow, in heaven, on earth and under the earth*¹, they shall bow their heads. Nobody should read or say the office there privately during the public chanting of the hours in common, for not only does this take away due honour from the choir but also it distracts the singers. To ensure that these things and whatever else concerns the performance of the divine office and the discipline of the choir are duly observed, the dean, or the person whose duty it is, shall carefully keep watch, looking round, to see if there is anything not in order. Transgressors shall be punished with the penalty of that hour in which the offence was committed, or even more severely, as the gravity of the fault demands.

[The times at which each one should be in choir]

Whoever is not present at matins before the end of the psalm *Come let us exult*², at the other hours before the end of the first psalm, and at mass before the last *Lord have mercy*, until the end, except in cases of necessity and then only with the permission of the president of the choir, is to be considered absent from that hour, saving however any stricter regulations of churches in this regard. The same is to be observed with regard to those who do not remain in processions from the start until the finish. To ensure observance of this, someone, who shall be under oath to act honestly and to spare none, should be deputed with the duty of noting individuals who are absent at the appointed times. This holy synod also orders that in churches in which stipends are not allotted for individual hours, a deduction should be made from the gross revenues of delinquents so that their emoluments are more or less proportionate to their labours, thus destroying the abuses whereby anybody present at only one hour gets a full day's stipend and presidents or deans or other officials, from the mere fact of being officials, receive the daily stipends even when absent for purposes other than those of their church.

[How the canonical hours should be recited outside choir]

This holy synod admonishes all holders of benefices, or those in holy orders, since they are bound to the canonical hours, if they wish their prayers to be acceptable to God, to recite the day and night offices, not in a mumble or between their teeth, nor swallowing or abbreviating their w'ords, nor interming-

¹ Ph 2, 10. ² Ps 94, 1.

miscendo, sed sive soli, sive associati, diurnum nocturnumque officium reverenter verbisque distinctis peragant, ac tali in loco, unde a devotione non retrahantur, ad quam se disponere et praeparare debent, iuxta id quod scriptum est: *Ante orationem praepara animam tuam, ne sis quasi qui tentât Deumx.* 5

[De his qui tempore divinorum vagantur per ecclesiam]

Quicumque in ecclesia beneficiatus, praesertim de maioribus, divinorum tempore per ecclesiam vel foris circa ipsam deambulando, aut cum aliis colloquendo, vagari visus fuerit, non solum illius horae, sed totius diei praesentiam ipso facto amittat. Qui si semel correctus non destiterit, per 10 mensem distributionibus careat, vel graviori, si pertinacia exegerit, poenae subiaceat, ita ut tandem desistere cogatur. Prohibeatur etiam ne divina officia tumultuosi quorumcumque per ecclesiam discursus impediant aut perturbent. Regulares qui in conventualibus ecclesiis circa praedicta excesserint, gravi poena superioris³ arbitrio castigentur. »

[De tabula pendente in choro]

Ut cuncta in domo Dei ordinate procedant, et quilibet sciat quod^b sibi agendum imminet, statuatur tabella aliqua continue pendens in choro, in qua quid per unumquemque ex canonicis, vel ahis bénéficiâtes, in 20 singulis horis per hebdomadam aut maius tempus, legendum cantandumve sit scribatur. Qui autem secundum quod ibi descriptum fuerit facere per se vel alium neglexerit, pro qualibet hora distributiones unius diei amittat.

[De his qui in missa non complent Credo, vel cantant cantilenas, vel nimis basse missam legunt, aut sine ministro]

Abusum aliquarum ecclesiarum, in quibus Credo in unum Deum, quod est symbolum et confessio fidei nostrae, non complete usque ad finem cantatur, aut praefatio seu oratio dominica omittitur, vel in ecclesiis cantilena saeculares voce admiscuntur, seu missa etiam privata sine ministro au[^] per secretas orationes ita submissa voce dicitur, quod a 30 circumstantibus audiri non potest, abolentes, statuimus ut qui in his transgressor inventus fuerit a suo superiore debite castigetur.

[De pignorantibus cultum divinum]

Abusum etiam illum cultui divino manifeste derogantem, quo nonnulli ecclesiarum canonici contrahentes debita, sic se creditoribus obligant, ut, nisi statuto tempore satisfaciant, a divinis cessetur⁴ officiis, abolentes, 35

» superiorum *De Mxv v. l. Mti* ¹⁰ quid *Mxv*
c praeter *Mxv v. l. Mti* d cessent v. /. *Mti*

1 Edi 18,23.

ling conversation and laughter, but, whether they are alone or with others, reverently and distinctly and in such a place as will not diminish devotion, for which they ought to dispose and prepare themselves, as the scripture says: *Before prayer prepare your soul, and do not be like someone who tempts God*].

[About those who wander about the church during services]

Any holder of a benefice in a church, especially of a major one, if he is seen wandering around inside or outside the church during the divine services, strolling or chatting with others, shall automatically forfeit his attendance not only for that hour but also for the whole day. If after being corrected once he does not stop, let him be deprived of his stipends for a month, or, if he is obstinate, let him be subjected to a heavier penalty so that in the end he is forced to desist. Also, noisy comings and goings in the church should not be allowed to impede or disturb the divine service. Regulars who err in these matters in conventual churches should be punished with a heavy penalty at the judgment of their superior.

[About a notice-board hanging in the choir]

So that everything may be well ordered in the house of God and that each person may know what he has to do, let there be affixed a notice-board permanently hanging in the choir, with information on it of the duties of each canon or other benefice-holder as regards reading or singing at the individual hours during the week or a longer time. Anyone who fails to do in person or by proxy what is prescribed there, shall forfeit for each hour the stipend of one day.

[On those who at mass do not complete the creed, or sing songs, or say mass in too low a voice or without a server]

There are abuses in some churches whereby the “I believe in one God”, which is the symbol and profession of our faith, is not sung to the end, or the preface or the Lord’s prayer is omitted, or secular songs are sung in the church, or masses (including private ones) are said without a server, or the secret prayers are said in so low a voice that they cannot be heard by the people nearby. These abuses are to stop and we decree that any transgressors shall be duly punished by their superiors.

[About those who pledge divine worship]

We abolish also that abuse, so manifestly incompatible with divine worship, whereby some canons of churches, having contracted debts, bind themselves to their creditors in such a way that, if they do not pay their debts by a fixed time, there will be a cessation of divine services. We declare this obligation null even if

¹ Edi 18, 23.

ct obligationem huiusm etiamsi iureiurando firmata sit, irritam decernentes, statuimus ut qui talem illicitum contractum fecerint trium mensium fructus ipsi ecclesiae applicandos ipso facto amittant. Et quamdiu divina non resumpserint, nullos ex ipsa ecclesia proventus percipiant.

5 [De tenentibus capitula tempore missae maioris]*

Prohibet haec sancta synodus, ut tempore missae maioris, praesertim solemnibus diebus, capitula seu actus capitulates, aut alii tractatus, per canonicos non celebrentur, nisi forte urgens et evidens ingrueret necessitas. Qui vero ad talem horam capitulum indixerit, a distributionibus
io quotidianis per hebdomadam sit suspensus, neque ipsi canonici pro hora illa distributiones ipsas lucrentur.

[De spectaculis in ecclesia non faciendis]

Turpem etiam illum abusum in quibusdam frequentatumb ecclesiis, quo certis anni celebritatibus nonnullis⁰ cum mitra, baculo, ac vestibus pontificalibus more episcoporum benedicunt, alii ut reges ac duces indutid, quod festum fatuorum vel innocentum, seu puerorum, in quibusdam regionibus nuncupatur, alii larvales et theatrales iocos, alii choreas et tripudia marium ac mulierum facientes homines ad spectacula et cachinationes¹ movent, alii comessationes et convivia ibidem praeparant: haec sancta synodus detestans, statuit et iubet tam ordinariis, quam ecclesiarum decanis et rectoribus, sub poena suspensionis omnium proventuum ecclesiasticorum trium mensium spatio, ne haec aut similia ludibria, neque etiam mercantias seu negotiationes nundinarum in ecclesia, quae domus orationis esse debet^l, ac etiam^f coemeterio exerceri amplius permittant, transgressoresque per censuram ecclesiasticam, aliaque iuris remedia punire non negligant. Omnes autem consuetudines, statuta ac privilegia quae his non concordant circa haec decretis[^], nisi forte maiores adiicerent poenas, irritas esse haec sancta synodus decemith.

SESSIO XXII

15 oct. 1435

30 [De condemnatione libelli fratris Augustini de Roma³
archiepiscopi Nationis¹]

Sacrosancta generalis synodus Basileensis, in Spiritu sancto legitime congregata, universalem ecclesiam repraesentans, ad perpetuam rei memoriam. Cum inter cetera pietatis opera ad conservandam fidei catholicae

* *om. Dc Mxv* b frequentatur *Dc* c nonnulli *Mxv* d induti sunt v. *L Msi*
35 e machinationes v. *L Msi* f in r. *Λ Msi* g decretas *Dc* h decrevit v. */. Msi*
i fratris ... *om. Dc*; ... de Roma de Christo integro *add. Mxv*

¹ Cf. Is 56, 7; Mt 21,13. ¹ Augustinus Favaroni o: c. s. a. (1360-1443).

it has been confirmed by oath. We decree that those who make these illicit agreements shall automatically lose for three months their revenues, which shall be applied to their church. They shall receive no emoluments from their church until they resume the divine services.

[On holding chapters at the same time as the principal' mass]

This holy synod forbids chapters and other meetings of canons to be held, or chapter business to be transacted, at the same time as the principal mass, especially on solemn feasts, unless an urgent and manifest necessity suddenly occurs. Whoever summons the chapter for that time shall be suspended from receiving his daily stipends for a week, and the canons shall forego their stipends for that hour.

[On not performing spectacles in churches]

In some churches, during certain celebrations of the year, there are carried on various scandalous practices. Some people with mitre, crozier and pontifical vestments give blessings after the manner of bishops. Others are robed like kings and dukes; in some regions this is called the feast of fools or innocents, or of children. Some put on masked and theatrical comedies, others organize dances for men and women, attracting people to amusement and buffoonery. Others prepare meals and banquets there. This holy synod detests these abuses. It forbids ordinaries as well as deans and rectors of churches, under pain of being deprived of all ecclesiastical revenues for three months, to allow these and similar frivolities, or even markets and fairs, in churches, which ought to be houses of prayer¹, or even in cemeteries. They are to punish transgressors by ecclesiastical censures and other remedies of the law. The holy synod decrees that all customs, statutes and privileges which do not accord with these decrees, unless they add greater penalties, are null.

SESSION 22

15 October 1435

[On the condemnation of the book of friar Augustine of Rome², archbishop of Nazareth']

The holy general synod of Basel, legitimately assembled in the holy Spirit, representing the universal church, for an everlasting record. The main reason, among other pious aims, why this holy synod assembled was to preserve the

¹ omitted in *Dc Mxv*

¹ of friar ... omitted in *Dc*; ... of Rome on the whole Christ added in *Mxv*

¹ See Is 56, 7; Mt 21, 13. ² Augustine Favaroni, O.E.S.A. (1360-1443).

veritatem, extirpandosque errores et haereses, haec sancta synodus potissime convenerit, nostrae sollicitudinis praecipuum studium est, illico ut pullulare aliquid noverimus, quod fidei Christianae puritatem offendere, et splendorem luminis in mentibus fidelium quomodolibet obnubilare possit, penitus rescindere, agrumque dominicum a noxiis zizaniis¹* et 5
vepribus cum omni diligentia expurgare. Proinde libellum quemdam editum a magistro Augustino, vulgariter dicto de Roma, archiepiscopo Nazareno, cuius primus tractatus de sacramento² unitatis Iesu Christi et ecclesiae, sive de Christo integro intitulatur; secundus de Christo capite, et eius inclito principatu: alius de charitate Christi circa electos, et eius 10
infinito amore, tanquam non sanam et erroneam in fide doctrinam continentem, cum suis defensoriis damnat et reprobat. Et potissime scandalosam illam assertionem, erroneam in fide, in ipso libello contentam, quam piae fidelium aures sine horrore audire non possunt, videlicet: Christus quotidie peccat, et ex quo fuit Christus quotidie peccavit, quam- u
vis deb capite ecclesiae Christo Iesu salvatore nostro dicat se non intelligere sed ad membra sua, quae cum Christo capite unum esse Christum asseruit, intelligentiam eius esse referendam dicat. Nec non et propositiones istas, et eis in sententia similes, quas in articulos damnatos in sacro Constantiensi concilio³ incidere declarat, videlicet: Non omnes fideles iusti- 20
ficati sunt membra Christi, sed soli electi, finaliter in perpetuum regnaturi cum Christo. *Secundum ineffabilem praescientiam Dei*⁴ sumuntur membra Christi ex quibus constat ecclesia, quae tamen non constat nisi ex eis *qui secundum propositum* electionis *vocati sunt*¹. Non sufficit, Christo uniri vinculo charitatis, ut aliqui efficiantur membra Christi, sed requiritur 25
alia unio. Has etiam quae sequuntur: Humana natura in Christo vere est Christus. Humana natura in Christo, est persona Christi. Ratio suppositalis determinans humanam naturam in Christo non realiter distinguitur ab ipsa natura determinata. Natura humana in Christo procul dubio est persona Verbi: et Verbum in Christo natura assumpta, est realiter persona 30
assumens. Natura humana assumpta a Verbo ex unione personali, est veraciter Deus naturalis et proprius. Christus secundum voluntatem creatam tantum diligit naturam humanam unitam personae Verbi, quantum diligit naturam divinam. Sicut duae personae in divinis sunt aequaliter diligibiles, ita duae naturae in Christo, humana et divina, sunt aequa- »
liter diligibiles propter personam communem. Anima Christi videt Deum tam clare et intense, quantum clare et intense Deus videt seipsum. Quas quidem propositiones, et alias ex eadem radice procedentes, in praedicto libello contentas, tanquam erroneas in fide, damnat et reprobat haec sancta synodus. Ne igitur per huiusmodi doctrinam in errorem «
quempiam fidelium prolabi contingat, districte praecipit ne quisquam praefati libelli doctrinam, et praesertim suprascriptas propositiones, ut

» sacramentis *Mxv* b pro *Mxv* v. l. *Mri*

¹ Cf. Mt 13, 30. * Conc. Const., sess. XV (v. supra pp. 421-431).

² 1Pt 1, 2. ⁴ Rm 8, 28.

truth of the catholic faith and to eradicate errors and heresies. Therefore the chief goal of our activity is, as soon as we learn of the spread of something that can harm the purity of the Christian faith or in any way obscures the brilliance of the light in the minds of the faithful, to eradicate it completely and carefully to clear the Lord's field of noxious weeds' and brambles. This holy synod therefore condemns and censures a certain book by master Augustine, commonly called "of Rome", archbishop of Nazareth. Its first treatise is entitled, "On the sacrament of the unity of Jesus Christ and the church, or on the whole Christ"; the second, "On Christ the head and his glorious sovereignty"; another, "On the charity of Christ towards the elect and his infinite love". The holy synod condemns and censures the book as containing teaching that is unsound and erroneous in the faith, as well as its defenders.

The holy synod especially condemns and censures, in the book, the assertion which is scandalous, erroneous in the faith and offensive to the ears of the pious faithful, namely: Christ sins daily and has sinned daily from his very beginning, even though he avers that he does not understand this as of Christ our saviour, head of the church, but as referring to his members, which together with Christ the head form the one Christ, as he asserts. Also, the propositions, and ones similar to them, which the synod declares are contained in the articles condemned at the sacred council of Constance², namely the following. Not all the justified faithful are members of Christ, but only the elect, who finally will reign with Christ for ever. The members of Christ, from whom the church is constituted, are taken *according to the ineffable foreknowledge of God*³; and the church is constituted only from those *who are called according to his purpose* of election⁴. To be a member of Christ, it is not enough to be united with him in the bond of charity; some other union is needed. Also the following. The human nature in Christ is really Christ. The human nature in Christ is the person of Christ. The intimate cause that determines the human nature in Christ is not really distinguished from the nature that is determined. The human nature in Christ is without doubt the person of the Word; and the Word in Christ, once the nature has been assumed, is really the person who assumes. The human nature assumed by the Word in a personal union is truly God, natural and proper. Christ according to his created will loves the human nature united to the person of the Word as much as he loves the divine nature. Just as two persons in God are equally lovable, so the two natures in Christ, the human and the divine, are equally lovable on account of the common person. The soul of Christ sees God as clearly and intensely as God sees himself.

These propositions and others springing from the same root, which are to be found in the said book, this holy synod condemns and censures as erroneous in the faith. Lest it come to pass that any of the faithful fall into error on account of such teaching, the synod strictly forbids anyone to teach, preach, defend or

¹ See Mt 13, 30. ² Council of Constance, session 15 (see above pp. 421-431).

³ 1 Pt 1, 2. ⁴ Rm 8, 28.

praemittitur, damnatas et reprobatas, ac etiam eius tractatus defensorios, docere, praedicare, defendere aut approbare praesumat. Eos autem qui secus egerint, tanquam haereticos, et alias animadversione canonica puniendos decernit. In nullo autem per haec derogare intendit dictis aut scriptis sanctorum doctorum in praenominatis materiis loquentium, quin-
 immo ea recipit et amplectitur iuxta eorum veram intelligentiam per eos aut alios catholicos doctores in theologica schola communiter expo-
 sitam et dedaratamb. Nec per hanc sententiam personae praefati auctoris praeiudicare intendit haec eadem sancta synodus: quia etsi debite vocatus
 10 fuent, causas tamen absentiae allegavit, et in aliquibus suis scriptis et alias doctrinam suam determinationi ecclesiae submisit. Ceterum haec sancta synodus mandat et praecipit omnibus archiepiscopis, episcopis, cancellariis universitatum, et inquisitoribus haereticae pravitatis, ad quorum spectat officium, quatenus diligentiam solertem adhibeant, et provideant, ne aliquisc dictos librum et libellos defensorios habeatd, aut praesumat® penes se conservare, aut teneref, immo ipsos praedictis assignare habeat, ut de illis faciant prout iura disponunt: alias contra tales canonica animadversione procedatur.

SESSIO XXIII

26 mart. 1436

[De electione summi pontificis]

m> Sacrosancta generalis synodus Basileensis, in Spiritu sancto legitime congregata, universalem ecclesiam repraesentans, ad perpetuam rei memoriam. Quoniam salus populi pastor bonus, merito^ hanc sanctam synodum, quantum proh humanae legis fieri potest industrial, niti decet ut Romanus pontifex, qui gregis dominici primus et summus est pastor,
 « talis fiat, talisque perseveret, qui cunctarum animarum saluti ac totius christiani orbis utilitati provideat, et tanto officio digne satisfaciat: proinde constitutiones tam sacrorum conciliorum, quam summorum pontificum, super Romani electione pontifias editas, innovans haec sancta synodus, et eis quaedam salubria adiiciens, statuit ut, quotiescum-
 30 que sedem apostolicam vacare contigerit, sanctae Romanae ecclesiae cardinales praesentes in loco, quo summi pontificis electio celebranda est, decima die postquam sedes vacaverit, omnes in cappellam aliquam vel locum prope conclave convenient. Inde praecedente cruce bini cum devotione cantando *Veni creator Spiritus* incedentes, locum conclavis
 w ingrediantur: quo non nisi duos familiares necesarios quilibet introducat. Ceremoniarum autem gratia duo clerici, quorum saltem unus sit notarius, etiam admitti possint. Camerarius vero cum his quibus conclavis custodia commissa fuerit curet ne quis praeter praedictos conclave

* hoc Mxv h ont. Mxv c aliqui Dc Mxv d habeant Dc Mxv

40 e praesumant Dc Mxv f illos add. Mxv g per add. Mxv

h per Mxv v. /. Mri » industriam ». /. Afri

approve the teaching of the said book, especially the aforesaid condemned and censured propositions, and its supporting treatises. It decrees that transgressors shall be punished as heretics and with other canonical penalties. By these measures the synod intends to detract in nothing from the sayings and writings of the holy doctors who discourse on these matters. On the contrary, it accepts and embraces them according to their true understanding as commonly expounded and declared by these doctors and other catholic teachers in the theological schools. Nor does the synod intend by this judgment to prejudice the person of the said author since, though duly summoned, he gave reasons for being absent, and in some of his writings and elsewhere he has submitted his teaching to the church's judgment. Further, this holy synod orders all archbishops, bishops, chancellors of universities and inquisitors of heresy, who are responsible in this matter, to ensure that nobody has the said book and supporting treatises or presumes to keep them with him; rather he shall consign them to these authorities, so that they may deal with them in accordance with the law: otherwise let such persons be proceeded against with canonical censures.

SESSION 23

26 March 1436

[On the election of the supreme pontiff]

The holy general synod of Basel, legitimately assembled in the holy Spirit, representing the universal church, for an everlasting record. Since a good shepherd is the salvation of his flock, it is the duty of this sacred synod to strive, with all the diligence that human law can contrive, that the Roman pontiff, who is first in the Lord's flock and the supreme shepherd, should be and continue to be such as to provide for the salvation of all souls and the benefit of the whole Christian world and to fulfil worthily so great an office. Therefore it renews the constitutions about the election of Roman pontiffs which sacred councils and supreme pontiffs have issued and it adds to them some further salutary norms. It decrees that whenever the apostolic see falls vacant, all the cardinals of the holy Roman church who are present in the place where the election of the supreme pontiff is to be held, shall meet together on the tenth day after the see becomes vacant in some chapel or place near the conclave. From there they shall process behind a cross, two by two, devoutly singing the *Veni creator Spiritus*, and enter the place of the conclave, each taking with him not more than two necessary attendants. In view of the ceremonies, two clerics may also be admitted, at least one of whom shall be a notary. The chamberlain together with the deputies for the custody of the conclave shall ensure that nobody, apart from the aforesaid persons, enters the conclave. After the cardinals have entered and the doors have

ingrediatur. Ipse autem post ingressum cardinalium, clausis foribus, cum deputatis intrer, et singulorum cardinalium cellas diligenter perquirat. Exceptisque infirmorum aut debilium medicinalibus, si qua ibidem vidualia vel confectiones repedantur, amoveat. Exiens inde, claudensque conclavis ostium*, custodiam solícite observet, ac singulis diebus cibaria quae cardinalibus deferuntur accurate perquirar, nec introferri permittat, nisi quod pro moderata refectione necessarium videatur, decretis huius sacri concilii, quae promulganturb in quarta et septima sessionibus, in suo robore firmiter permansuris⁰. Sequenti die cardinales omnes coram his qui in conclavi fuerint, audita missa de sancto Spiritu, sacram sumant eucharistiam. Et antequam scrutinium inchoent, antepositis sanctis evangelis, iurent super hac forma: Ego N. talis cardinalis iuro et promitto omnipotenti Deo Patri et Filio et Spiritui sancto, ac beato Petro apostolorum principi, eum eligere in pontificem, quem credam ecclesiae universali in spiritualibus et temporalibus utilem, et tantae dignitati idoneum; nec illi vocem dare quem verisimiliter scivero promissione aut datione alicuius rei temporalis, seu prece per se vel alium interposita, aut alias qualitercumque directe vel indirecte, pro se electionem procurare, electoque in pontificem non prius obedientiam facere, quam iuret iuxta formam decreti sacri Basileensis concilii, ita me Deus adiuvet, cui in ditremendi iudicii *redditurus sum de hoc iuramento et cunctis operibus meis rationem*¹. Post haec quilibet eorum schedulam dabit, in qua ultra tres non nominet, inter quos si ultra unum nominaverit aliquis, sit extra cardinalium collegium. Neque una die nisi unum fiat scrutinium, et immediate post missam. Lectis schedulis, nisi duarum partium in unum vota concurrant, mox comburantur. Ante autem sex completa scrutinia, accessus ad quemquam fieri non possit. Recogitent eo tempore cardinales, et attenta mente considerent, quantum sibi ipsis meritum vel demeritum, quantumque populo christiano fructum vel praeiudicium, bonum vel malum, eligendo pontificem, facturi sunt. In nulla profecto re magis domini nostri Iesu Christi gratiam vel iram assequi possunt, quam cum de vicario eius suis praeficiendo ovibus agitur, quas ita dilexit ut pro ipsis et moril et crucis tormentum pati dignatus fuerit.

[De professione eiusdem summi pontificis]

Decernitd sancta synodus, ut electus in papam electioni de se factae per as infra scripti modi expressionem consentire teneatur. Quam expressionem si praesens in curia per cardinales, vel extra per eorum aliquem, vel alium ab ipsis ad hoc habentem mandatum, in praesentia notarii et decem saltem personarum fieri convenit⁰, qui praesentata sibi electione, requisitus infra diem naturalem ab hora requisitionis, si' non fecerit, electio sua pro «0

a om. *Mxv* b promulgatis *Mxv* v. *I. Mii* c : lutamentum cardinalium *add. Mxv*
d Statuit *Mxv*; Statuit haec v. *I. Mñ* e cm. *Dc*.

1 Symbolum Athanasianum; cf. Hcb 13,17. * Cf. Io 10,11,15.

been closed, the chamberlain shall enter with the deputies and carefully examine the cells of all the cardinals. He shall remove any food and edibles found there, except medicines of the sick and infirm. He shall ensure a careful guard whenever he leaves and closes the door, and each day he shall closely inspect the food being brought in for the cardinals and allow only what seems necessary for moderate refreshment, without prejudice to the decrees passed in the fourth and seventh sessions of this sacred council.

On the next day all the cardinals, in the presence of all those in the conclave, shall hear a mass of the holy Spirit and receive the eucharist. Before the voting begins, they shall swear before the holy gospels in these words: I, N., cardinal of ..., swear and promise to almighty God, Father, Son and holy Spirit, and to blessed Peter, prince of the apostles, that I shall elect as pontiff the person who I think will be beneficial to the universal church in both spiritual and temporal matters and suitable for so great a dignity; I shall not give my vote to anyone who I have reason to think is directly or indirectly aiming at getting himself elected, by his promising or giving some temporal thing or by asking in person or through another or in any other way whatsoever; and I shall not make obeisance to anyone elected as pontiff before he takes the oath prescribed by this council of Basel; so help me God, to whom on the day of tremendous judgment *I shall have to give an account of* this oath and *all my deeds*¹. After this each cardinal shall submit a ballot-card, on which he shall nominate a maximum of three persons. If he nominates more than one person, the second and third persons shall be from outside the college of cardinals. There shall not be more than one ballot on any day and it shall be held immediately after the mass. When the ballot-cards have been read, they shall be burnt straightaway unless two-thirds of the votes are for the same person. No approach shall be made to anyone until six ballots have been completed. During this time let the cardinals reflect and seriously ponder how much merit or loss to themselves, how much fruit or damage to the Christian people, how much good or evil, they will be causing by their choice of a pontiff. There is nothing, indeed, by which they can more merit the grace or the wrath of our lord Jesus Christ than when they are setting his vicar over his sheep, which he loved so much as to suffer the torments of the cross and to die for them².

[On the profession of the supreme pontiff]

The holy synod decrees that the person elected as pope is obliged to express his consent to the election in the manner stated below. It is fitting that this consent should be made to the cardinals, if the person elected is present in the curia, or to one of the cardinals or someone mandated by them if he is not present there, in the presence of a notary and at least ten persons. After he has been informed of the election, he is bound to act within a day of the demand. If he does not do so, his election is annulled and the cardinals must proceed in the Lord's name to

¹ Athanasian creed; see Heb 13, 17. ² Seejn 10, 11, 15.

infecta habeatur, et ad aliam in nomine Domini cardinales procedere renantur. Expresso autem, ut praedicitur, huiusmodi consensu, cardinales eidem ut summo pontifici mox obedientiam debitam exhibeant. Postquam vero per cardinales obedientia praestita fuerit, nulli de eius
s pontiicatu ambigere fas sit.

[Forma consensus]

In nomine sanctae et individuae Trinitatis, Patris, et Filii, et Spiritus sancti. Ego N. electus in papam omnipotenti Deo, cuius ecclesiam suo praesidio regendam suscipio, et beato Petro apostolorum principi, corde et ore
10 connteor et profiteor*, quamdiu in hac fragili vita constitutus fuero, me firmiter credere et tenere fidem catholicam, secundum traditionem apostolorum, generalium conciliorum, et aliorum sanctorum patrum, maxime autem sanctorum octo conciliorum universalium, videlicet primi Nicaeni, secundi Constantino litani, tertii Ephesini primi, et quarti Calchedonen-
is sis, quinti et sexti item Constantinopolitani, septimi Nicaeni, octavi quoque Constantinopolitani, nec non Lateranensis, Lugdunensis, Viennensis, Constantiensis, et Basileensis generalium etiam conciliorum, et illam fidem usque ad unum apicem* immulatam servare, et usque ad animam et sanguinem† defendere et praedicare, ritumque pariter sacramentorum ecclesiasticorum ecclesiae traditum omnimode prosequi et observare². Polliceor etiam fideliter laborare pro tuitione fidei catholicae, et extirpatione haeresum et errorum, reformatione morum, ac pace in populo Christiano. Iuro etiam prosequi celebrationem conciliorum generalium, et confirmationem electionum, iuxta decreta sacri Basileensis concilii. Hanc autem professionem mea manu subscripsi, et tibi omnipotenti Deo, cui in die tremendi iudicii *redditurus sum de hoc et omnibus operibus meis rationem*³, pura mente super altare offero, quam in primo publico consistorio solemniter repetam.

cNe lapsu temporis haec tam salubris institutio*¹ de memoria summi pontificis elabatur, singulis annis, die quo anniversarium celebratur electionis vel coronationis suae, intra missarum sollemnia primus cardinalis, qui ibidem affuerit, publice et alta voce coram summo pontifice legat sic: Sanctissime pater, attendat sanctitas tua, et diligenter consideret promissionem hanc, quam die electionis tuae Deo fecisti. Postea eam legens, in fine dicat: Curet igitur sanctitas tua, pro honore Dei, et salute animae tuae, et utilitate universalis ecclesiae, praedicta omnia pro viribus observare bona fide sine dolo et fraude. Recogites etiam cuius vicem geras in terris, illius videlicet qui *animam suam pro ovibus suis posuit**, qui

¹ quod *add. Dc* ^b confirmare *add. Mxv*

<< ^c De professione eiusdem summi pontificis *til. add. Mxv* ^d constitutio *Mxv*

¹ Cf. Mt 5,18.

¹ Hanc primam partem professionis iam cone. Const., sess. XXXIX adprobavit (v. supra p. 442, 23-36).

* Symbolum Athanasianum; cf. Heb 13,17. ⁴ Io 10,11,15.

another election. But if he expresses his consent, as stated above, the cardinals shall straightaway make due obeisance to him as supreme pontiff. Once the obeisance has been made by the cardinals, nobody has any right to challenge his pontificate.

[Form of consent]

In the name of the holy and undivided Trinity, Father, Son and holy Spirit. I, N., elected pope, with both heart and mouth confess and profess to almighty God, whose church I undertake with his assistance to govern, and to blessed Peter, prince of the apostles, that as long as I am in this fragile life I will firmly believe and hold the catholic faith, according to the tradition of the apostles, of general councils and of other holy fathers, especially of the eight holy universal councils — namely the first at Nicaea, the second at Constantinople, the third which was the first at Ephesus, the fourth at Chalcedon, the fifth and sixth at Constantinople, the seventh at Nicaea and the eighth at Constantinople — as well as of the general councils at the Lateran, Lyons, Vienne, Constance and Basel, and to preserve intact this faith unchanged to the last dot¹, and to defend and preach it to the point of death and the shedding of my blood, and likewise to follow and observe in every way the rite handed down of the ecclesiastical sacraments of the church² I promise also to labour faithfully for the defence of the catholic faith, the extirpation of heresies and errors, the reform of morals and the peace of the Christian people. I swear also to continue with the holding of general councils and the confirmation of elections in accordance with the decrees of the holy council of Basel. I have signed this profession with my own hand; I offer it on the altar with a sincere mind to you almighty God, to whom on the day of tremendous judgment *I shall have to give an account of* this and *all my deeds**, and I will repeat it at the first public consistory.

c So that this salutary institution may not fade from the supreme pontiff's memory with the passage of time, every year on the anniversary of his election or of his coronation, the first cardinal present shall, during mass, publicly and in a loud voice address the supreme pontiff thus: Most holy father, may your holiness heed and carefully ponder the promise which you made to God on the day of your election. He shall then read out the promise and shall continue as follows: May your holiness, therefore, for the honour of God, for the salvation of your soul and for the good of the universal church, strive to observe to your utmost all these things in good faith and without guile or fraud. Recall whose place it is that you hold on earth, namely of him who *laid down his life for his sheep**, who thrice asked the blessed Peter if he loved him, before he entrusted

c On the profession of the same supreme pontiff *heading added in Mxv*

¹ See Me 5, 18.

² This first pan of the profession had already been approved by the council of Constance, session 39 (see above p. 442).

³ Athanasian creed; see Heb 13, 17. ⁴ Jn 10, 11, 15.

ter, antequam oves suas beato Petro committeret, petiit an ipsum diligere¹: quique sicut iustus iudex, et *quem nullum latet secretum*², rationem exigit a te de omnibus usque ad minimum quadrantem'. Memineris quid beatus Petrus alique sibi succedentes pontifices fecerunt, qui nihil aliud cogitabant, nisi honorem 'Dei, propagationem fidei, publicum ecclesiae s bonum, salutemque et utilitatem filiorum suorum: et tandem imitantes magistrum et Dominum, animas suas pro sibi commendatis ovibus exponere non dubitarunt. *Noli* tibi aut tuis *thesaurizare in terris, ubi tineae et aerugo demolitur, ubi fures et latrones effodiunt, sed thesauriza tibi in caelis**. Non sis acceptor personarum, nec sanguinis, nec patriae, aut nationis⁵. Omnes io filii Dei sunt, et tuae curae ac custodiae pariter commissi. Dicas exemplo Christi: *Qui fecerit voluntatem Patris mei qui est in caelis, ille meus frater, soror et mater, est**. In distribuendis dignitatibus et beneficiis, non carnem, non munera, non quid aliud temporale, sed solum Deum et virtutes atque hominum merita tibi proponas. In corrigendis excessibus ecclesiasticam is exerce disciplinam, memor quam gratiam Phinees⁷, quamve poenam Helis, alter iniurias Dei ulciscendo, alter dissimulando, meruerunt. Pauperes autem ac miserabiles personas defende, iuva et sustenta. Ad omnes autem paternam habe charitatem.

Post expleta coronationis solennia, ac singulis annis post electionis 20 anniversarium, cum fratribus suis octo saltem continuis diebus summus pontifex vigili cura pertractet exequi quod tam solemniter Deo pollicitus est. In primis igitur perscrutetur in qua orbis parte Christiana religio vexetur a Tureis, Saracenis, Tartaris, at aliis infidelibus: in qua regione viget haeresis, schisma, vel quaelibet superstitionis species; in quibus 25 provinciis mores, et divinorum observantia mandatorum, rectaque vivendi norma, tam in statu ecclesiastico quam saeculari, dilabuntur: ubi etiam libertas ecclesiastica conculcatur: inter quos reges principesque et populos vigeant odia, vel bella, vel bellorum metus, et ubique sicut pius pater cum fratribus suis remediis opportunis diligenter providere studeat. His 30 universalibus expeditis negotiis, ad ea quae proximiora sunt manum apponens, mox domum, familiam, et curiam Romanam, ubi et prout necessarium fuerit exemplariter componere, veraciterque reformare incipiat, ut ab eius oculata reformatione, quae ceterarum est ecclesiarum caput, inferiores ecclesiae morum hauriant puritatem, nec aliquibus 35 calumniandi ac maledicentiae praestetur occasio³: et tam circa magnos quam parvos inquirens vigilantissime, et inquire faciens, quidquid emendatione dignum reperit, corrigere nullatenus differat aut dissimulet; sciens duplex esse peccatum, unum quod ibi perpetratur, aliud longe gravius quod inde sequitur. Quidquid enim ibidem agitur, facile trahitur « in exemplum. Unde fit ut languesciente capite reliquum postea corpus morbus invadat. Pontificalis domus ac curia tanquam speculum mundum

1 ut ab eius ... occasio *om. Dc Mxv* b [*]c Mxv*

1 Cf. Io 21,15-17. * Or. praep. ad missam; cf. Ib 42, 2. ' Cf. Mt 5, 26.

⁴ Mt 6,19-20. » Cf. Dt 1,17; 16,19; Ic 2,1,9. · Mt 12, 50; Mr 3,35.

7 Cf. Nm 25,6-8. » Cf. 1 Rg 3,11-14.

his sheep to him¹, and who, as the just judge *whom nothing secret escapes*², will exact from you an account of everything to the very last farthing³. Remember what blessed Peter and his successors as pontiffs did: they thought only of the honour of God, the spread of the faith, the public good of the church and the salvation and benefit of the faithful; finally, imitating their master and Lord, they did not hesitate to lay down their lives for the sheep entrusted to them. *Do not lay up* for yourself or your kinsfolk *treasures on earth, where moth and rust consume and where thieves and robbers break in, but lay up for yourself treasure in heaven*⁴. Do not be an acceptor of persons or of blood-ties or of homeland or of nation⁵. All people are children of God and have been equally entrusted to your care and safe-keeping. Say after the example of Christ: *Whoever does the will of my Father in heaven, he is my brother and sister and mother*⁶. In distributing dignities and benefices put before yourself neither the flesh nor gifts nor anything temporal at all, but solely God and the virtues and merits of people. Exercise ecclesiastical discipline in correcting faults, mindful of what grace Phinehas⁷ merited and what punishment Eli⁸, the one for avenging injuries to God, the other for pretending not to know them. Defend, help and support the poor and needy. Show a fatherly charity to all.

After the solemnities of his coronation, and each year after the anniversary of his election, the supreme pontiff shall carefully discuss with his brethren, for at least eight consecutive days, how he shall carry out his solemn promises to God. In the first place, therefore, he should examine where in the world the Christian religion is being persecuted by Turks, Saracens, Tartars and other infidels; where heresy or schism or any form of superstition flourishes; in which provinces there has been a decline in morals and observance of the divine precepts and in the right way of living, in both ecclesiastical and secular matters; where ecclesiastical liberty is infringed; among which kings, princes and peoples enmity, wars and fears of war are rife; and like a dutiful father he should strive with his brethren carefully to provide remedies.

When these affairs of an universal character have been settled, let him deal with those nearer at hand. Let him begin by reforming and ordering in an exemplary way his house, his household and the Roman curia, where and in so far as this is necessary, so that from the visible reform of the church which is the head of all others, lesser churches may draw purity of morals and no occasion may be given for calumny and malicious talk³. Making diligent inquiry in person and through others about both important and lesser persons, he should allow no delay or pretence in correcting whatever is found in need of reform; remembering that the sin is twofold, the one being committed, the other and far more serious being its consequences. For whatever is done there is easily made into an example. That is why, if the head is sick, disease enters into the rest of the body. The papal household and court should be a kind of clear mirror, so that all who

¹ so that from ... talk *omitted in Dx Mxv*

¹ See Jn 21, 15-17. ² Prayer before mass; see Job 42, 2. ³ See Mt 5, 26.

⁴ Mt 6, 19-20. ⁵ See Dt 1, 17; 16, 19; Jas 2, 1, 9. ⁶ Mt 12, 50; Mk 3, 35.

⁷ See Nm 25, 6-8. ⁸ See 1 Kg 3, 11-14.

esse debet, in quo omnes prospicientes ad eius exemplum se componant et vivant. Proinde ab ea poenitus dissipet et evellat quidquid simoniacae labis, quidquid concubinariae sordis, quidquid denique vel Deum offendere, vel homines scandalizare potest. Curet ne officiales perperam officia
s sua administrent, ne quemquam gravent, nec per concussionem aut illicite quidquam extorqueant, et ut hi qui officialibus praepositi sunt, ipsorum excessus inultos non patiantur. Neminem permittant vestibus et coloribus per sacros canones prohibitis uti: clerum Romanum, qui
io sibi principaliter et immediate subiectus est, principaliter in omni ecclesiastica honestate instruat, monens non in vestimentorum pompis et nitore beneplacitum Dei, sed in humilitate, docentia, mentis puritate, simplicitate cordis, in morum castimonia, et reliquarum virtutum ornatu, quae habentem Deo et hominibus commendant: sed* reformet, et
is praesertim ut cultus divinus in ecclesiis Urbis cum ea qua decet veneratione et disciplina observetur. Populum quoque Urbis, quae peculiaris eius est parochia, doceat, instruat, et in via salutis dirigat. Imperet cardinalibus ut titulos ac parochias suas, prout eorum incumbit officio, visitent et reforment. Praelatum aliquem magnae scientiae, probataeque et exemplaris vitae, in Urbe vicarium constituat, qui vice sua cleri et populi
» episcopalem curam gerat, de quo an oneri suo diligenter incumbat saepe perquirat. Post haec cum eisdem fratribus de temporalitate ecclesiae Romanae bene salubriterque regenda accurate cogitans, provideat ut provinciae, civitates, oppida, castra, terrae ipsi ecclesiae subiectae, iuste ac pacifice gubernentur, tali quidem moderamine, ut inter regimen
25 ecclesiasticorum ac saecularium principum sic distet, sicut inter patrem et dominum. Non quaestui, sed protectioni ac tutelae intendat, et paterna charitate cunctos fovens, non tam subditos quam filios existimet. Et quoniam spiritualem temporalemque ipsorum curam habet, invigilet omnes partialitates ac seditiones inde amovere praesertim guelforum et
'0 gibellinorum, et quaecumque his similia perniciose nomina, animas corporaque pariter perimentia, omnem det operam, poenis spiritualibus et temporalibus, quibuscumque potest modis, sublatis inde cunctis dissensionum fomentis, eos unanimes ad defensionem ecclesiae conservare. Ad regendum provincias ac civitates principales destinet cardinales, vel
55 praelatos integrae et incorruptae famae, quos non inhiare pecuniis, sed iustitiae ac paci subditorum intendere verisimile sit: quorum legatio biennio, aut ad plus triennio elapso, expiret. Et quia dignum est ut quilibet suae villicationis rationem reddat¹, deputetur expleta legatione aliquis, vel aliqui insignes viri, qui suae administrationis rationem, nec
40 non querelas ac petitiones provincialium audiant, et iustitiam exhibeant, et quod ipsi commode facere nequeunt, papae deferant, qui omnino gesta eorum scire studeat, et, si quid illicite perpetrasset ipsos constiterit, nullatenus inultum dimittat, ut et successores sui quae non licent⁰ suo

¹ instruat . . . sed *om.* *Dc Mxi* b dignus *Dc* c licerent *Alxp*

¹ Cf. *Lc* 16.2.

look at it form themselves and live according to its example. Thereafter let him banish and eradicate any traces of simony, filthy concubinage or whatever may offend God or scandalize people. He should take care that officials do not exercise their offices badly or oppress anybody or extort anything by threats or illegal means, and that those in charge of the officials do not let their excesses go unpunished. They should not tolerate clothes and colours which are forbidden by the sacred canons. Let him instruct the Roman clergy, who are chiefly and immediately subject to him, in all ecclesiastical decorum; admonishing them that God's approval depends not on the parade and splendour of clothes but on humility, docility, purity of mind, simplicity of heart, holiness of behaviour and the other virtues which commend their possessor to God and to people. Let him enact reforms especially* so that the divine services may be observed in the churches of Rome with all seemly devotion and discipline. He should also instruct the people of Rome, which is his own parish, and direct them in the way of salvation. He should bid the cardinals to visit and reform their titular churches and parishes as befits their office. He should appoint some prelate of great learning and of proven and exemplary life as his vicar in the city, to take his place in the episcopal care of the clergy and people, and he should often inquire about whether he is fulfilling his task.

Next, let him reflect carefully with the same brethren on the good and wholesome administration of the temporalities of the Roman church and let him ensure that the provinces, cities, towns, castles and lands subject to the Roman church are justly and peacefully ruled with such moderation that the difference between government by ecclesiastics and by secular princes is like that between a father and a master. He should not aim at gain, but cherishing all with paternal charity he should esteem them not as subjects but as sons and daughters. Since he has charge of their spiritual and temporal well-being, he must watch to get rid of all factions and seditious groups — especially of Guelphs and Ghibellines and other similar parties — which breed destruction to both souls and bodies. He must strive, employing spiritual and temporal penalties of all possible kinds, to remove all causes of dissension and to keep people united for the defence of the church. To govern the provinces and chief cities, he should appoint cardinals or prelates of untarnished reputation who will seek not financial gain but justice and peace for their subjects. Their legation shall last for two, or at most three, years. When their legation has ended, since it is right that each one should give an account of his stewardship¹, one or more outstanding men shall be appointed to review their administration and to hear the complaints and petitions of the inhabitants and to render justice; these shall refer what they cannot easily effect to the pope, and he shall strive to find out what the former have done and to punish any illegal actions, so that their successors may learn from their example

J Let him instruct... especially] Let him reform the Roman clergy ... decorum, especially *Dc Mxv*

¹ See Lk 16, 2.

exemplo facere formident. Et ne officiales manus forsitan ad illicita
 apponant, competens salarium, unde vivere honeste possint, eis consti-
 tuatur. Saepe etiam summus pontifex inquirat, quomodo tam legati
 gubernatores et commissarii, quam Romanae ecclesiae vicarii ac fcuda-
 tarii, subditos regant*, et an novis gabellis et exactionibus gravent. 5
 Quidquid autem austeritatis seu iniusti oneris super cervices subditorum
 fieri cognoverit, nequaquam toleret. Pati enim impium est ut hi, quos
 papa per se paterne regeret, per alios tyrannice tractentur. Statuta et
 constitutiones^l* antiquas, quibus provinciae ac terrae salubriter regi
 consueverunt, inviolata servari faciat. Quod si quae postea irrationabiliter 10
 vel ad aemulationem seu partialiter edita sint, causa cognita, retractentur
 et reformentur. Infra annum ab electionis die Romanus pontifex ad se
 oratores seu procuratores provinciarum ac principalium civitatum eccle-
 siae Romanae accersat⁰, et ostendens erga eos paternae charitatis affectum,
 ab ipsis de sutu et conditione patriarum, et quemadmodum praedecessoris is
 sui tempore recti sunt, num etiam aliquo iniusto graventur onere, et quid
 pro salubri ipsorum regimine faciendum sit, perscrutetur: et tandem in
 omnibus utilitati et indemniuti ipsorum, ac bono publico, provisionis
 remedia tanquam filiis adhibeat. Hoc idem saltem de biennio in biennium
 repetere non pigeat. Inter cetera quae feudatarii, capitanei, gubernatores, 20
 senator, castellani; aliique praecipui officiales Urbis et terrarum ecclesiae
 iurare solent, hoc etiam adiiciatur, ut in eorum institutione iurent, quod
 sede vacante, ad mandatum cardinalium civitates, terras, loca, arces, et
 castra, ac gentes nomine Romanae ecclesiae tenebunt ac tradent libere et
 sine contradictione. Ne summus pontifex camalitatis trahi videatur affectu, 25
 magis quam iudicio rationis, atque ut scandalis obvietur, quae, experientia
 teste, saepe secuta sunt, nullum de cetero consanguineum vel affinem
 usque ad tertium gradum inclusive, ducem, marchionem, comitem,
 feudatarium, emphyteutam, vicarium, gubernatorem, officialem, castel-
 lanum alicuius provinciae, civitatis, oppidi, castri, fortalitii, aut loci 30
 Romanae ecclesiae, nec super his iurisdictionem seu potestatem aliquam
 habere, nec capitaneum, seu conductorem gentium armorum³ faciat, aut
 esse permittat. Ipsi quoque cardinales summo pontifici secus agere
 volenti nequaquam assentiant: quodque succedens pontifex aliter facta
 prorsus retractet ac revocet. Iuxta Nicolai papae IV constitutionem^l a
 statuit sancta synodus, ut ad sanctae Romanae ecclesiae cardinales omnium
 fructuum, reddituum, proventuum, mulctarum, condemnationum, ac
 censuum, de quibuscumque terris et locis Romanae ecclesiae subiectis
 provenientium, medietas pertineat, institutioque et destitutio omnium
 rectorum, gubernatorumque, et custodum, quocumque nomine cen- <0
 seantur, qui praeerunt dictis terris et locis, ac etiam dictorum fructuum
 collectorum, de consilio et consensu ipsorum cardinalium fieri debeat.

« regunt *De Mxv* b consuetudines *Mxv* c accersiat *Dc Mxv*

d armatorum v. *I. Mri*

l Bulla *Celettis altitudo potentiae* d. 18 iul. 1289 (BR 4,88 n. 3; Potthast 23010; *Reg. de Nie. IV*, ed. E. Langlois, I Paris 1886, 391 n. 2217).

to avoid illegalities. Officials should be allotted a suitable salary on which they can live honestly, to prevent them turning their hand to what is illicit.

The supreme pontiff should often inquire how his legates, governors and commissars, as well as deputies and feudatories of the Roman church, rule their subjects and whether they oppress them with new taxes and exactions. He should not tolerate any austere measure or unjust burden being laid on his subjects' necks. For it would be wicked to allow those whom the pope should rule as a father to be treated tyrannically by others. He should ensure that statutes and ancient constitutions by which provinces and districts have been well governed in the past are kept intact. But if any have subsequently been issued unreasonably or from envy or partiality, they should be cancelled or altered when the reasons for doing so have been understood. Within a year from the day of his election, the Roman pontiff shall summon spokesmen and proctors of the provinces and chief cities of the Roman church and shall question them closely, with fatherly affection, about the following: the state and condition of their territories, how they were governed in the time of his predecessor, whether they are being oppressed by any unjust burden, and what should be done for their good government. Then let him apply to them as to sons remedies which will provide for their benefit and security and for the common good. He should not shrink from repeating this at least every two years. Among the other things that feudatories, captains, governors, senators, castellans and other high officials of Rome and of the lands of the church customarily swear to, there should be added at the time of their installation an oath that, when the papacy is vacant, they will hold their cities, lands, places, citadels, castles and peoples at the command of the cardinals, in the name of the Roman church, and that they will freely and without opposition hand them over to the same. Lest the supreme pontiff may seem to be influenced by carnal affection rather than by right reason, and to avoid the scandals that sad experience shows often arise, in future he shall not make or allow to be made anyone related to him by blood or affinity to the third degree inclusive a duke, marquis, count, feudatory, emphyteutic tenant, deputy, governor, official or castellan of any province, city, town, castle, fortress or place of the Roman church, nor give them any jurisdiction or power over them, nor appoint them captains or leaders of men under arms. The cardinals must never agree with a supreme pontiff attempting to act otherwise, and his successor as pontiff shall withdraw and revoke anything done in this way.

In accordance with the constitution of Pope Nicholas IV¹, the holy synod decrees that half of all fruits, revenues, proceeds, fines, penalties and taxes deriving from all the lands and places subject to the Roman church belongs to the cardinals of the holy Roman church, and that the institution and dismissal of all rulers and governors and guardians, howsoever they may be called, who are in charge of the aforesaid lands and places, and also of the collectors of the said fruits, should be made with the advice and agreement of the cardinals. The holy

¹ Bull *Celestis altitudo potentiae*, dated 18 July 1289 (BR 4, 88 no. 3; Potthast 23010; *Reg. de Nie. IV*, ed. E. Langlois, I Paris 1886, 391 no. 2217).

Ipsos igitur cardinales admonet sancta synodus, ut terras et subditos Romanae ecclesiae ab iniuriis et oppressionibus protegant, de paceque ac salute et bono ipsorum regimine cogitantes, apud summum pontificem, et, ubi opus fuerit, ipsos omni favore promoveant. Etsi de omnibus

5 Romanae ecclesiae terris magna cura summo pontifici ac cardinalibus esse debeat, ad urbem tamen Romanam mentis intuitum sedulo convenere, et ad ipsam tanquam peculiarem filiam et principalem eorum parochiam, in qua beatorum Petri et Pauli ac innumerabilium Christi martyrum et sanctorum sacra corpora requiescunt, ubi sedes est Romani pontificis,

io unde et ipse ac Romanum denominatur imperium, et ad quam omnes christicolae devotionis causa confluere solent, singularem quamdam charitatem et praecipuum affectum gerere tenentur, ut in pace, tranquillitate ac iustitia gubernetur, in suisque ecclesiis, moenibus, viis et securitate stratarum detrimentum non patiatur. Quocirca statuit haec sancta synodus,

is ut de quibuscumque ipsius Urbis redditibus et proventibus aliqua competens portio ad conservationem ecclesiarum, moenium, viarum, pontium, securitatisque itinerum ipsius Urbis et districtus, per aliquos viros probatae famae de consilio cardinalium eligendos re ipsa exponatur. Sicut servum servorum Dei summus pontifex se profitetur, ita opere comprobet; et,

m dum ad ipsum tanquam communem patrem undique homines confugiant, adire se ab omnibus facile permittat. Unam ergo saltem in hebdomada diem pro publica statuatur audientia, in qua omnes, praesertim pauperes et oppressos, patienter et benigne audiat, et quantum cum Deo potest, exaudiat, cunctisque sicut pater filiis, prout cuique opus fuerit, iuxta

« vires consilio et auxilio provideat benigne. Et si corporali necessitate impeditus fuerit, alicui vel cardinali vel alteri insigni viro omnia sibi relaturum committat, omnibusque curiae officialibus iubeat, praesertim vicecancellario, poenitentiario, et camerario, ut ipsos pauperes cito gratisque expediant, memor apostolicae charitatis, qua Petrus et Paulus

o invicem dexteram dederunt, ut pauperum memores¹ essent. Diebus vero dominicis et festivis ad missam exeat publicam, post quam aliquando temporis spatio indigentibus audientiam praebeat. Singulis hebdomadis, vel saltem in mense bis, consistoria publica teneat, in quibus negotia ecclesiarum cathedralium ac monasteriorum seu principum ac universi-

35 tatum, aliaque magni ponderis audiat. Lites autem et causas minores remittat ad vicecancellarium. Ipse autem quanto amplius potest, litigiis ac minoribus negotiis se eximat, ut maioribus intendat liberius. Quoniam sanctae Romanae ecclesiae cardinales, pars corporis Romani pontificis esse censentur, reipublicae admodum expediens est, ut iuxta vetustum

« morem gravia et ardua negotia de ipsorum consilio, directione, causa quoque mature cognita, deinceps fiant, praesertim causarum fidei decisiones, sanctorum canonizationes, erectiones, seu suppressiones, divisiones, subiunctiones, uniones ecclesiarum cathedralium et monasteriorum,

» cum *Dc Mxv*

¹ Cf. Cal 2, 9-10.

synod therefore admonishes the cardinals to protect the lands and subjects of the Roman church from harm and oppression and, mindful of their peace, safety and good government, to recommend them, if need be, to the supreme pontiff. While it is true that the supreme pontiff and the cardinals should give careful attention to all the territories of the Roman church, nevertheless the city of Rome should be at the centre of their concern. For there the holy bodies of blessed Peter and Paul and of innumerable martyrs and saints of Christ repose; there is the seat of the Roman pontiff, from which he and the Roman empire take their name; thither all Christians flock for the sake of devotion. They should feel for it a special love and affection, as being peculiarly their daughter and principal parish, so that it should be governed in peace, tranquillity and justice and should suffer no damage to its churches, walls and roads and the security of its streets. Hence this holy synod decrees that from the sum total of the income and proceeds of the city, an adequate portion shall be set aside for the preservation of the churches, walls, roads and bridges and the security of the streets in the city itself and the district; this money is to be administered by men of proven reputation who are to be chosen on the advice of the cardinals.

The supreme pontiff calls himself the servant of the servants of God; let him prove it in deeds. As long as people from all parts have recourse to him as to a common father, he should give them all easy access. Let him set aside at least one day in the week for a public audience, when he shall listen with patience and kindness to all, especially the poor and oppressed, and shall grant their prayers as much as he can with God's help, and shall assist all with kind advice and help, as each one has need and as a father does for his children. If he is prevented by some bodily need, he shall entrust this task to some cardinal or other noteworthy person who will report everything to him, and he shall order all officials of the curia, especially the vice-chancellor, the penitentiary and the chamberlain, to expedite business for the poor with speed and free of charge, bearing in mind the apostolic charity of Peter and Paul, who pledged themselves to remember the poor¹. He should attend a public mass on Sundays and feast-days, and after it for a while he should give audience to the needy. He should hold a public consistory each week, or at least twice a month, to treat of the business of cathedral churches, monasteries, princes and universities and other important affairs. But he should refer lawsuits and lesser matters to the vice-chancellor. He should keep himself free of lawsuits and lesser business as far as he can, so as to be freer to attend to major issues. Since the cardinals of the holy Roman church are considered to be part of the body of the Roman pontiff, it is extremely expedient for the common good that, following ancient custom, serious and difficult questions should hereafter be settled on their advice and direction after mature deliberation, especially the following: decisions on matters of faith; canonizations of saints; erections, suppressions, divisions, subjections or unions of cathedral churches and monasteries; promotions of cardinals; confirmations

¹ See Gal 2, 9-10.

promotiones cardinalium, confirmationes ac provisiones de ecclesiis cathedralibus et monasteriis, privationesque et translationes abbatum, episcoporum, et superiorum, leges, seu constitutiones, legationes de latere, seu vicariorum ac nuntiorum auctoritate legatorum de latere fungentium commissiones, novae religionis institutio, exemptiones novae ecclesiis, monasteriis, seu cappellis' aut ipsarum iam factarum revocationes, salvo decreto sacri Constantiensis concilii, de praelatis non transferendis invitis.

[De numero et qualitate cardinalium]

Cum summo pontifici sanctae Romanae ecclesiae cardinales in dirigenda Christiana republica collaterales assistant, necesse est ut tales instituantur qui sicut nomine, ita re ipsa cardines sint, super quos ostia universalis versentur et sustententur ecclesiae. Statuit igitur sancta synodus, ut deinceps eorum numerus adeo sit moderatus, quod nec sit gravis ecclesiae, (quae nunc ob temporum malitiam plerisque gravibus affligitur incommodis)¹ nec superflua numerositate vilescat. Qui de omnibus christianitatis regionibus, quantum commode fieri poterit, assumantur, ut notitia rerum in ecclesia emergentium facilius haberi, et super his maturius deliberari possit, sic tamen, quod numerum viginti quatuor inter hos qui nunc sunt et assumendos non excedant, ita quod de una natione ultra tertiam partem respectu cardinalium pro tempore existentium, ac de una civitate et dioecesi ultra unum inde oriundum, et de ea natione quae nunc ultra tertiam partem habet, usque ad ipsius tertiae partis reductionem esse nequeant. Sint viri in scientia moribusque ac rerum experientia excellentes, non minores triginta annis, magistri, doctores seu licentiati cum rigore examinis in iure divino vel humano. Sit saltem tertia vel quarta pars de magistris aut licentiatis in sacra scriptura. Inter hos autem viginti quatuor esse aliqui poterunt admodum pauci filii, fratres aut nepotes regum seu magnorum principum, in quibus cum circumspectione et maturitate morum competens litteratura sufficiat.

Non fiant cardinales nepotes ex fratre vel sorore Romani pontificis, aut alicuius cardinalis viventis, non illegitime nati, non corpore vitii nec alicuius criminis aut infamiae nota respersi. Praedicto autem numero viginti quatuor, pro magna ecclesiae necessitate vel utilitate, duo alii in quibus vitae sanctitas vel eximiae virtutes refulgeant, quamquam memoratos gradus non habeant, ac de Graecis, cum Romanae ecclesiae uniti fuerint, insignes aliqui viri adiici poterunt. Non fiat cardinalium electio solum per auricularia vota, sed illi solum assumi possint, in quos, facto vero scrutinio ac publicato, maiorem partem cardinalium per subscriptionem manus propriae constiterit collegialiter consensisse. Desuper etiam apostolicae litterae cum subscriptione cardinalium conficiantur, decreto huius sacri concilii in quarta sessione solemniter publicato, quod incipit: *Item cum multiplicatio Cardinalium*, etc.¹, in suo robore inviolabiliter

1 capitulis *Dc Mxv* b quae . . . incommodis *om. Dc Mxv* c excedat *Dc Mxp*

1 Vide supra p. 462 n. 1.

and provisions relating to cathedral churches and monasteries; deprivations and translations of abbots, bishops and superiors; laws and constitutions; legations *a latere* or commissions or envoys and nuncios functioning with the authority of legates *a latere*,¹ foundations of new religious orders; new exemptions for churches, monasteries and chapels, or the revocation of those already granted; without prejudice to the decree of the holy council of Constance about not transferring prelates against their will.

[On the number and qualities of cardinals]

Since the cardinals of the holy Roman church assist the supreme pontiff in directing the Christian commonweal, it is essential that such persons be appointed as may be, like their name, real hinges on which the doors of the universal church move and are upheld. The sacred synod therefore decrees that henceforth their number shall be so adjusted that it is not a burden to the church which now, owing to the malice of the times, is afflicted by many serious inconveniences)^b or cheapened by being too large. They should be chosen from all the regions of Christianity, as far as this is convenient and possible, so that information on new things in the church may be more easily available for mature consideration. They should not exceed twenty-four in number, including the present cardinals. Not more than a third of them at any given time shall be from one nation, not more than one from any city or diocese. None shall be chosen from that nation which now has more than a third of them, until its share has been reduced to a third. They should be men outstanding in knowledge, good conduct and practical experience, at least thirty years old, and masters, doctors or licentiates who have been examined in divine or human law. At least a third or a quarter of them should be masters or licentiates in holy scripture. A very few of them may be sons, brothers or nephews of kings or great princes; for them an appropriate education will suffice, on account of their experience and maturity of behaviour.

Nephews of the Roman pontiff, related to him through his brother or sister, or of any living cardinal shall not be made cardinals; nor shall bastards or the physically handicapped or those stained by a reputation of crime or infamy. There can, however, be added to the aforesaid twenty-four cardinals, on account of some great necessity or benefit for the church, two others who are outstanding in their sanctity of life and excellence of virtues, even if they do not possess the above-mentioned degrees, and some distinguished men from the Greeks, when they are united to the Roman church. The election of cardinals shall not be made by oral votes alone; rather only those shall be chosen who, after a genuine and publicized ballot, obtain the collegial agreement, signed with their own hands, of the majority of the cardinals. For this purpose let an apostolic letter be drawn up with the signatures of the cardinals. The decree of this sacred council beginning *Also since the multiplication of cardinals*, etc.¹, which was published in the fourth session, is to remain in force. When cardinals receive the insignia of

^b which now ... inconveniences *omitted in Dc Mxv*.

¹ See above p. 462 n. 1.

permansuro. Cum recipient cardinales suae dignitatis insignia, quorum significatio est, ut pro bono universalis ecclesiae sanguinem proprium, si opus sit, non vereantur effundere, iurabunt in publico consistorio, si sint in curia; si vero absentes, in manibus alicuius episcopi, et publice, cui
 5 per litteras apostolicas, in quibus forma iuramenti inserta sit, commissum fuerit, in hunc modum.

* Ego N. nuper assumptus in sanctae Romanae ecclesiae cardinalem, ab hac hora in antea ero fidelis beato Petro, universalique et Romanae ecclesiae ac summo pontifici, eiusque successoribus canonice intrantibus:
 10 laborabo fideliter pro defensione fidei catholicae, extirpationeque haeresum et errorum ac schismatum, reformatione morum, ac pace in populo christiano. In alienationibus rerum et bonorum ecclesiae Romanae, aut aliarum ecclesiarum et beneficiorum quorumcumque, non consentiam, nisi in casibus a iure permissis, et pro alienatis ab ecclesia Romana
 is recuperandis pro posse operam dabo. Non consulam quidquam summo pontifici nec subscribam me, nisi secundum Deum et conscientiam meam. Quae mihi per sedem apostolicam commissa fuerint fideliter exequar. Cultum divinum in ecclesia tituli mei, et eius bona conservabo, sic me Deus adiuvet.

20 Pro conservandis cardinalium titulis, quorum aliqui tam in divino cultu quam aedificiis nimium, pro dolor, in opprobrium sedis apostolicae et ipsorum cardinalium collapsi sunt, statuit haec sancta synodus, ut de redditibus seu proventibus terrarum Romanae ecclesiae, quorum medietas iuxta constitutionem Nicolai papae ad cardinales, ut praedictum est,
 25 pertineat, decima pars eius quod spectat ad quemlibet cardinalium proprio titulo singulis annis applicetur. Et nihilo minus vel in vita vel in morte quilibet cardinalis tantum proprio titulo relinquat, unde communiterb una persona sustentari possit. Quod si non fecerit, tam pro hoc, quam pro dicta decima parte, bona omnia ipsius cardinalis obligata sint usque
 0 ad debitam satisfactionem. Et ad exeeutionem huius, oneramus primum cardinalem illius ordinis de quo ille defunctus erat. Visitet per se quilibet cardinalis praesens in curia, absens vero per vicarium idoneum singulis annis titulum suum, clericosque et populum ecclesiarum subiectarum, et cum diligentia inquirat, et salubriter provideat, super cultu divino bonis-
 35 que ipsarum ecclesiarum, ac vita et moribus clericorum et parochianorum, de quibus, cum suae sint oves, in districto Dei iudicio rationem redditurus est. Et tam quoad tempus visitandi, quam quoad alia, servet quae instituta sunt in decreto nostro de conciliis synodalibus. Etsi quemlibet cardinalium tam ipsa dignitas quam propria perurgeat pollicitatio pro memoratis
 to sanctis laborare operibus, nihilo minus ut eo efficacius res fiant, quo singulis quasi peculiariter distribuuntur, episcopi cardinales indagare curent, quae regiones haeresibus, erroribus, superstitionibus novis, aut veteribus infectae sint: presbyteri, ubi mores et divinorum mandatorum

a lutamentum cardinalium *tit. add. Mxv* b contra *Dc*

1 Vide supra p. 499 n. 1.

their dignity, whose meaning is readiness to shed their blood if necessary for the good of the church, they shall take the following oath in a public consistory, if they are in the curia, or publicly in the hands of some bishop commissioned for this purpose by an apostolic letter containing the oath, if they are not in the curia.

I, N., recently chosen as a cardinal of the holy Roman church, from this hour henceforward will be faithful to blessed Peter, to the universal and Roman church and to the supreme pontiff and his canonically elected successors. I will labour faithfully for the defence of the catholic faith, the eradication of heresies, errors and schisms, the reform of morals and the peace of the Christian people. I will not consent to alienations of property or goods of the Roman church or of other churches or of any benefices, except in cases allowed by law, and I will strive to the best of my ability for the restoration of those alienated from the Roman church. I will give neither advice nor my signature to the supreme pontiff except for what is according to God and my conscience. I will faithfully carry out whatever I am commissioned to do by the apostolic see. I will maintain divine worship in the church of my title and will preserve its goods: so help me God.

For the preservation of the titular churches of the cardinals, some of which have sadly deteriorated both in divine worship and in their buildings, to the shame of the apostolic see and of the cardinals themselves, this holy synod decrees that from the revenues and incomes of the territories of the Roman church — half of which belongs to the cardinals in accordance with the constitution of Pope Nicholas¹, as was said above — a tenth of what each cardinal receives shall be applied each year to his titular church. Moreover, each cardinal shall leave to his titular church, either in his lifetime or at his death, enough for the upkeep of one person. If he fails to do so, regarding both this and the said tenth, all his goods shall be sequestrated until due satisfaction has been made. We place the burden of carrying this out on the first cardinal of the order in which he died. Each cardinal present in the curia should make an annual visitation of his titular church in person; each one not present should make it through a suitable deputy. He should also inquire carefully concerning the clergy and the people of his dependent churches, and make useful provision with regard to the divine worship and the goods of these churches as well as the life and conduct of the clergy and parishioners, about whom, since they are his sheep, he will have to render an account at the severe judgment of God. As regards the time of the visitation and other things, let him observe what is laid down in our decree on synodal councils.

Although both the dignity itself and the cardinal's own promise urge him to toil at the holy tasks just mentioned, yet results will be greater if the tasks are spread among individuals. Therefore cardinal-bishops shall inquire about what regions are infected with new or old heresies, errors and superstitions; cardinal-priests shall inquire about where conduct, observance of the divine command-

¹ Oath of the cardinals *heading added in Mxv*

¹ See above p. 499 n. 1.

observantia ac ecclesiastica disciplina deficient: diaconi, qui reges et principes seu populi bellis agitentur, vel agitari timeantur: et tanquam apes argumentosae tam apud summum pontificem, quam inter seipsos diligenter ac accurate negotia haec sancta promoveant, operam dantes, ut ubi necessarium fuerit, salubri remedio provideatur. Ipse autem summus pontifex, tanquam communis omnium pater et pastor, non solum rogatus ac sollicitatus, sed proprio motu ubique investigari^{*} faciat, et quam potest omnibus filiorum morbis salutarem conferat medicinam. Si quando papam, quod absit, negligentem aut remissum, seu agentem quae statum^b illius non decent, ipsi cardinales inspexerint, filiali reverentia et charitate tanquam patrem obsecrent, ut officio pastoralis honorique ac debito suo satisfaciat. Et primo quidem aliquis vel aliqui dec per se, deinde si se non corrigat, omnes collegialiter accersitis quibusdam notabilibus praelatis, praedicentes quod si non abstinuerit proximo generali concilio deferant: nec pro salute ipsius summi pontificis et bono publico eius odium vel quidquam aliud timeant, dum tamen reverenter et charitative id agant. Multo magis, si quem ex cardinalibus aliquid perperam seu reprehensione dignum facientem papa cognoverit, paterna semper charitate et iuxta doctrinam evangelicam corrigat^l, ut sic alter in alterum, pater in filios, et filii in patrem charitatis opera exercentes, ecclesiam^l exemplari ac salubri moderamine gubernent. Praelatos et quoscumque alios, insignes praesertim viros ad curiam Romanam proficiscentes, cardinales benigne et honorifice tam publice quam private pertractent, et apud summum pontificem eorum negotia gratis ac liberaliter recommissa faciant. Et cum ei qui communis est omnium pater, cardinales assistant⁰, personarum acceptatores fieri vel ad v^{•1}« tos valde indecens est. Propterea interdicat haec sancta synodus, ut tanquam iudices collaterales partialitatem nullam accipiant; etiamsi de terra partiali originem ducant. Nec sint principum aut communitatum, seu aliorum contra quemquam, cum pretio vel sine, partiales protectores, aut defensores; sed exuti omnem passionem, in sedandis concordia vel iustitia litibus papae assistant. Principum autem et quorumcumque, praesertim pauperum ac religiosorum, gratis et sine ullo quaestu promovere iusta negotia, tanquam charitatis opus, persuadet sancta synodus, et commendat. Cum affabilitate et benignitate servent cardinales gravitatem ac modestiam quae huic congruunt dignitati: pietatem autem, quae, secundum Apostolum, *ad omnia utilis est*², servent ad omnes. Affines suos, praesertim bene meritos ac pauperes, quamquam negligere non debeant, non tamen^f ipsos opum aut beneficiorum multitudine accumulent, ut alii inde scandalum patiantur. Caveant ne bona ab ecclesiis profecta, ultra quam necessitatis ratio postulat, in carnem et sanguinem effundant. Cum tales sic ambulare in magnis pontifex inspexerit, arguat atque obviet, ut decet, neque enim culpa erit expers, si iuxta

* investiget investigarique *Dc Mxv* b *om. Dc Mvx* « eis v. *I. Mri*
d Dei *add. Dc Mxv* e assistant *Dc* f ita *add. Dc*

^l Cf. Mt 18,15-17, 21-22. ^l ^l Tm 4,8.

ments and ecclesiastical discipline are lax; cardinal-deacons shall inquire about which kings, princes and peoples are troubled by actual or possible wars. Like busy bees, both with the supreme pontiff and among themselves, they should promote these holy works with diligence and in detail, striving to provide a remedy where this is needed. The supreme pontiff for his part, as the common father and pastor of all, should have investigations made everywhere not only when requested to do so but also on his own initiative and he should apply salutary medicines, as best he can, for all the illnesses of his children. If the cardinals ever notice that a pope is negligent or remiss or acting in a way unbefitting his state, though may this never happen, with filial reverence and charity they shall beg him as their father to live up to his pastoral office, his good name and his duty. First, let one or some of them warn him that if he does not desist they will delate him to the next general council, and if he does not amend they shall all do this as a college together with some notable prelates. For the well-being of the supreme pontiff and the common good they should not fear the hostility of the supreme pontiff himself or anything else, provided they act with reverence and charity. Much more so, if it comes to the pope's notice that some cardinal is acting wrongly and reprehensibly, he should correct him, always with paternal charity and according to evangelical teaching¹. Thus, acting in charity towards each other, one to another, a father to his sons and sons to their father, let them direct the church with exemplary and salutary government.

Let the cardinals both publicly and privately treat with kindness and respect prelates and all others, especially distinguished persons who come to the Roman curia, and let them present their business to the supreme pontiff freely and graciously. Since the cardinals assist him who is the common father of all, it is very unseemly for them to become accepters of persons or advocates. Hence this holy synod forbids them to exercise any favouritism as collateral judges, even if they take their origin from a favoured region. Neither should they be biased protectors or defenders of princes or communities or others against anyone, whether paid or unpaid, but putting aside all sentiment let them assist the pope in pacifying quarrels with harmony and justice. The holy synod urges and commends them to promote the just business of princes and anybody else, especially religious and the poor, without charge and without seeking reward, as an act of charity. Let them preserve with readiness and kindness the gravity and modesty that befits their dignity. Let them maintain towards all people godliness *which*, according to the Apostle, *is profitable in every way*². Although they should not neglect their kinsfolk, especially if they are deserving and poor, they should not load them with a mass of goods and benefices to the scandal of others. Let them beware of pouring out on flesh and blood, beyond the bounds of necessity, goods coming from the churches. If the pontiff notices such strutting among the great, he should reprimand and object, as is fitting, and he will be

¹ See Mt 18, 15-17, 21-22. ² 1 Tm 4, 8.

officium suum corrigenda non corrigat. Familia, mensa, supellex rerum et equorum tam papae quam cardinalium, nec numerositate, nec statu,* aut pompis, neque aliquo excessu reprehensibilis sit. Ita domum et quae in domo sunt moderate componat, ut alii non scandalum, sed frugalitatis & capere exemplum possint. Tam summus pontifex et cardinales, quam ceteri episcopi, constitutionem beati Gregorii in generali synodo editam servare studeant, cuius tenor hic est, quam haec sancta synodus innovat: Cum pastoris vita exemplum debeat esse discipulis, plerumque clerici, qualis in secreto sit vita sui pontificis nesciunt, quam tamen saeculares
 10 pueri sciunt: de qua re praesenti decreto statuimus, ut quidam ex clericis vel etiam ex monachis electi, in ministerio cubiculo pontificis obsequantur, ut is qui in loco regiminis est, tales habeat testes qui veram eius in secreto conversationem videant, et ex sedula visione exemplum profectus sumant.¹

15 Paschalis etiam papae verba advertant dicentis: „Episcopi lectioni et orationi vacent, et semper presbyteros et diaconos, aut alios boni testimonii clericos habeant, ut secundum Apostolum³, et sanctorum patrum instituta, possint irreprehensibiles inveniri.“³ Non expedit reipublicae, ut cardinalibus, quos rebus arduis universalis ecclesiae intentos fore oportet, aliae causae quam electionum ecclesiarum cathedralium, aut monasteriorum, vel principum aut universitatum, seu similes, per papam aut cancellarium delegentur. Minores igitur litigiosae causae in auditorio rotae, quod ad hoc institutum est, committantur. Neque papa, neque cardinales familiares suos, quasi munera accepturos, ad confirmatos vel provisos praelatos de cetero mittant, ne, quod per se facere non decet, per alios fieri patiantur. Quod aliquando factum est, ut pro anulo in assignatione tituli cardinalibus tradito post mortem eius aliqua pecuniae summa vel res alia de bonis suis arripiatur, de cetero non fiat, cum labores eorum pro reipublica impensi exequias, si pauperes forent, potius de publico mereantur.

[De electionibus]

Licet dudum haec sancta synodus, abolita per eam generali omnium ecclesiarum et dignitatum electivarum reservatione, provide decreverit, ut praedictis ecclesiis et dignitatibus per canonicas electiones et confirmas
 as mationes provideri deberet, volens etiam speciales seu particulares ipsarum ecclesiarum et dignitatum electivarum prohibere reservationes, per quas libera in eisdem eligendi et confirmandi facultas impediri posset, quodque adversus hoc decretum Romanus pontifex nihil attentaret, nisi ex magna, rationabili et evidenti causa, in litteris apostolicis nominatim exprimenda:
 «0 quia tamen contra ipsius decreti mentem non pauca sine huiusmodi causa

1 fastu *Afxv* b exemplum f. l. *Mri* c cancellarium f. l. *Mri*

1 Gregorius Magnus, *Regula pastoralis*, HI 18 (PL 77, 77-79); haec sententia edita fuit in concilio Romano die 5 iul. 595, c. 2 (Msi 9,1226; 10,475-478); cf. c. 58 C. II q. 7 (Fr 1, 502).

* Cf. 1 Tm 3,2. * c. 60 C. II q. 7 (Fr 1, 502).

blameworthy if he fails to correct, in keeping with his office, whatever needs correction.

The household, table, furniture and horses of both pope and cardinals should not be open to blame as regards quantity, state, display or any other excess. The house and its contents should be on a moderate scale, a model of frugality and not a source of scandal. Both the supreme pontiff and the cardinals, as well as other bishops, should strive to observe the constitution of blessed Gregory which was published at a general synod and which this holy synod now renews, the sense of which is as follows: Though the life of a pastor should be an example to disciples, the clergy for the most part do not know the private life-style of their pontiff, even though secular youths know it; we therefore declare by this present decree that certain clerics and even monks should be selected to minister in the pontifical chamber, so that he who is in the seat of government may have witnesses who will observe his true private behaviour and will draw an example of progress from this regular sight.¹

Let them also pay attention to the words of Pope Paschal: "Let bishops spend their time in reading and prayer and always have with them priests and deacons and other clerics of good reputation, so that, following the Apostle² and the instructions of holy fathers, they may be found without blame."³ It does not profit the commonweal for cases other than those concerning elections to cathedral churches or monasteries, or princes or universities or similar matters, to be assigned by the pope or the chancery to cardinals, since they should devote themselves to the greater problems of the universal church. Lesser cases, therefore, should be sent to the court of the Rota, which was instituted for this purpose. Neither the pope nor cardinals should in future send their officials to prelates who have been confirmed or provided, as it were to accept gifts, lest they allow others to do what is unfitting for themselves to do. Something that has happened in the past — namely a sum of money or something else is subtracted from the goods of a dead cardinal, as a charge for the ring given to him on the assignment of his titular church — is not to occur in the future, since the labours of cardinals for the commonweal merit rather obsequies from public funds, if they are poor.

[On elections]

Already this holy synod, with its abolition of the general reservation of all elective churches and dignities, has wisely decreed that provision should be made for them by canonical elections and confirmations. It wishes also to forbid special and particular reservations of elective churches and dignities, whereby free elections and confirmations can be prevented; and to ensure that the Roman pontiff will attempt nothing against this decree, except for an important, persuasive and clear reason, which should be expressed in detail in an apostolic letter. However, much has been done against the intention of this decree and without

¹ Gregory the Great, *Regula pastoralis* (*Pastoral Care*), III 18 (PL 77, 77-79); the sentence was published at the council of Rome on 5 July 595, canon 2 (Msi 9, 1226; 10, 475-478); see c. 58 C. II q. 7 (Fr 1, 502).

² See 1 Tm 3, 2. ³ c. 60 C. II q. 7 (Fr 1, 502).

gesta sunt, unde gravia hactenus successerunt, et graviora in dies timen-
 tur scandala, cupiens haec sacrosancta synodus his obviare, nolensque
 ut ipsius decreti mens, quae fuit omne obstaculum a canonicis electionibus
 et* confirmationibus tollere, suo frustretur effectui; statuit ut electionesb
 in dictis ecclesiis sine impedimento aut obstaculo omnino fiant, quae causa j
 cognita iuxta iuris communis et dicti nostri decreti dispositionem confir-
 mentur Veruntamen si forte aliquando contingat electionem aliquam
 etiam alias canonicam fieri, quae in perturbationem ecclesiae aut patriae vel
 boni publici vergere timeatur, summus pontifex, cum ad ipsum confirmatio
 delata fuerit, si talem urgentissimam causam adesse manifeste cognoverit, 10
 ea prius mature discussa, ac parte plene defensa, accedente postea Roma-
 nae ecclesiae cardinalium, aut maioris partis subscriptione, huiusmodi
 causam veram sufficientemque fore attestandum, reiecta tali electione,
 ad capitulum vel conventum remittat, ut vel infra tempus iuris vel aliud,
 iuxta loci distantiam, ad aliam, ex qua evenire talia non formidentur, is
 electionem procedant.

[De reservationibus]

Et quia multiplices ecclesiarum et beneficiorum hactenus factae per
 summos pontifices reservationes non parum ecclesiis onerosae extiterunt,
 ipsas omnes tam generales quam speciales sive particulares de quibus 20
 cumque ecclesiis et beneficiis, quibus tam per electionem, quam colla-
 tionem, aut aliam dispositionem provideri solet, sive per extravagantes,
*Ad regimen*¹, et *Execrabilis*, sive per regulas cellariae, aut alias aposto-
 licas constitutiones introductas, haec sancta synodus abolet, statuens ut
 de cetero nequaquam fiant, reservationibus in corpore iuris expresse 25
 clausis, et his quas in terris Romanae ecclesiae, ratione directi seu utilis
 dominii, mediate vel immediate subiectis fieri contigerit, duntaxat
 exceptis.

[De Clementina „Litteris“]³

Licet in apostolicis vel aliis litteris quibuscumque aliquem dignitati, 30
 beneficio, aut iuri cuicumque renuntiasse, aut privatum esse, seu aliquid
 egisse per quod ius proprium auferatur, narratum sit, huiusmodi litterae
 in his non praeiudicent, etiamsi super ipsis gratia vel intentio narrantis
 fundetur, nisi per testes aut alia legitima constiterit documenta.

³ am. *Mxv* b electores *De* c vc] infirmentur a£d. *Mxv*
 ¹ aliud add. *Dc Mxv*

¹ c. 13 ΠI 2 in *Extrav. corrm.* (Fr 2,1266-1267).

¹ c. un. ΠI in *Extrav.Ixrji*, *XXII* (Fr 2,1207-1209).

* c. un. II 7 in *Clrm.* (Fr 2,1146).

the required reason, resulting in serious scandals already and the likelihood of even more serious ones in the future. This holy synod wishes to prevent this and does not want the purpose of the decree, which was to remove every obstacle to canonical elections and confirmations, to be deprived of its effect. It therefore decrees that elections should assuredly be held in the said churches without any impediment or obstacle and that, after they have been examined in accordance with common law and the dispositions of our decree, they shall be confirmed² However, if perhaps on occasion it should happen that an election is made which in other respects is canonical but which, it is feared, will lead to trouble for the church or the country or the common good, the supreme pontiff, when the election is referred to him for confirmation, if he is convinced that there exists such a most pressing reason, after mature discussion and then with the signed votes of the cardinals of the Roman church or the majority of them declaring that the reason is true and sufficient, may reject the election and refer it back to the chapter or convent for them to institute another election, from which such consequences are not to be feared, within the legal time or otherwise according to the distance of the place.

[On reservations]

The numerous reservations of churches and benefices hitherto made by supreme pontiffs have turned out to be burdensome to churches. Therefore this holy synod abolishes all of them both general and special or particular — for all churches and benefices whatsoever that were customarily provided for by an election or a collation or some other disposition — which were introduced either by the additional canons *Ad regimen*¹ and *Execrabilis*¹ or by rules of the chancery or by other apostolic constitutions, and it decrees that never again shall they exist, with the exception only of reservations expressly contained in the corpus of law and those which occur in the lands mediately or immediately subject to the Roman church by reason of direct or beneficial dominion.

[On Clementine “Letters”]³

Although apostolic and other letters may state that someone has renounced, or been deprived of, a dignity, benefice or right, or has done something for which a right of his has been taken away, nevertheless letters of this sort should not prejudice him, even though they are based on the status or the intention of the person making the statement, unless proof is forthcoming from witnesses or other legitimate documents.

c or rejected *added in Mxv*

¹ ch. 13 III 2 *in Extrav. comm.* (Fr 2, 1266-1267).

² ch. 1 III *in Extrav. Ioann. XXII* (Fr 2, 1207-1209).

³ ch. 1 II 7 *Clementines* (Fr 2, 1146).

SESSIO XXIV

14 apr. 1436

[De actis quibusdam cum Graecis, et² de indulgentiis, etc.]

Sacrosancta generalis synodus Basileensis, in Spiritu sancto legitime congregata, universalem ecclesiam repraesentans, ad perpetuam rei memoriam. Quia ambaxiatores nostri ad Constantinopolim transmissi,
 5 vice et nomine eiusdem sanctae synodi serenissimo imperatori Romanorum, et reverendissimo domino patriarchae Constantinopolitano, propter nonnullas causas promiserunt, capitula alias in hac sancta synodo super modo universalis et oecumenici etb utriusque ecclesiae concilii celebrandi hinc et inde conclusa et firmata dare, et cum effectu exhibere, sub con-
 10 sueta huius sanctae synodi bulla plumbea, data praesenti, et sub tenore de verbo ad verbum subsequenti!, nolens haec sancta synodus omittere aliquid eorum quae pro unione ecclesiarum Christi fieri possunt, dictam suorum ambaxiatorum promissionem praesenti decreto acceptat, approbat, ratificat et confirmat, et praefata capitula de verbo ad verbum, prout
 15 per praefatos ambaxiatores promissum est, praesentibus inserit, sub tenore qui sequitur.

Sacr meta generalis synodus Basileensis, in Spiritu sancto legitime congregata, universalem ecclesiam repraesentans, ad perpetuam rei memoriam. Cum inter cetera toti populo christiano necessaria opera,
 20 propter quae hoc praesens sanctum concilium extitit congregatum, unio occidentalis et orientalis ecclesiarum Christi praecipuum et maximum sit, merito pro hac perficienda ab initio suae congregationis omni conatu laboravit. Etenim quamprimum potuit ad serenissimum imperatorem Graecorum et reverendissimum patriarcham Constantinopolitanum cum
 25 litteris suos transmisit ambaxiatores, ad ipsos cum omni charitate et instantia exhortandum quatenus et ipsi cum plena potestate mitterent aliquos qui nobiscum tractarent de modo dictam sanctam unionem consequendi: qui mox ut requisiti fuerunt, tres insignes viros de his qui apud eos magnae videntur auctoritatis, quorum primus ipsum imperatorem
 30 consanguinitate attinet, ad hanc sanctam synodum destinarunt, sufficienti ipsius imperatoris mandato, cum bulla aurea et eius propria manu subscripto, ac patriarchae litteris munitos, qui tam in generali congregatione, quam coram commissariis nostris ferventissimum ipsius imperatoris et patriarchae totiusque ecclesiae orientalis ad hanc unionem desiderium
 35 exponentes, nos mirum in modum ad tam sancti operis prosecutionem pulsant, ac quotidie excitant, duo inter alia firmiter constanterque asserentes, unionem ipsam nisi in synodo universali, in qua tam ecclesia occidentalis quam orientalis conveniat, fieri nullatenus posse, et in ea synodo, si fiat, ut infra conventum est, ipsam unionem secuturam
 40 sperari. His auditis, summa nobis laetitia et iucunditas nimirum accessit.

» De actis ... et or». *Dc* b *om. Dc*

SESSION 24

14 April 1436

[About business with the Greeks and" about indulgences, etc.]

The holy general synod of Basel, legitimately assembled in the holy Spirit, representing the universal church, for an everlasting record. Our ambassadors to the most serene emperor of the Romans and the most reverend lord patriarch of Constantinople, who were sent to Constantinople on behalf and in the name of this holy synod, for various reasons promised to present the terms which were concluded and signed by the two sides on another occasion in this holy synod, regarding the manner of holding a universal and ecumenical council of both churches, and to exhibit them with effect, under the customary leaden seal of this holy synod, with the present date and containing the following text word for word. This holy synod, unwilling to omit anything that might help the union of Christ's churches, accepts, approves, ratifies and confirms by this present decree the said promise of its ambassadors and includes in this document the said terms word for word as was promised by the said ambassadors, as follows.

The holy general synod of Basel, legitimately assembled in the holy Spirit, representing the universal church, for an everlasting record. Among the various works necessary for the whole Christian people for which this holy council was assembled, the union of the western and eastern churches of Christ is the chief and greatest. Rightly, therefore, from the very start of its proceedings, this holy synod has made every effort to achieve this. For, as quickly as possible it sent its ambassadors with letters to the most serene emperor of the Greeks and the most reverend patriarch of Constantinople, to exhort them with all charity and insistence that they should send some persons with full authority to treat with us on the way to achieve the said holy union. As soon as they were asked, they appointed to this holy synod three outstanding men from those who seem to be of great authority among them — the first of whom was indeed a blood-relative of the emperor — with a sufficient commission from the emperor himself signed by his own hand and with a golden seal, and furnished with letters of the patriarch. Both in a general congregation and in the presence of our commissaries they expressed the most fervent desire of the emperor, the patriarch and the whole eastern church for this union. They urge and daily stimulate us in a wonderful way to pursue this holy work, strongly and persistently affirming two things: that union is only possible in a universal synod in which both the western church and the eastern church meet, and that it is to be hoped that this union will follow if matters proceed in that synod in the way that is agreed below. We were filled with joy and gladness when we heard this. Therefore we

⁷ About business ... and *omitted in Dc*

Quamobrem omnem cogitatum nostrum iactantes in Deum¹, *qui facit mirabilia magna solus**, venerabiles sanctae Romanae ecclesiae cardinales praesidentes sedis apostolicae, patriarcham Antiochenum, archiepiscopos, episcopos, abbates, magistrosque et doctores in numero competenti deputavimus, ut una cum ipsis Graecorum ambaxiatoribus rem istam 5 tractare, et quo ordine ad exeeutionem deducenda esset prospicere deberent: qui tam inter se quam cum ipsis ambaxiatoribus* saepe numero convenientes, habito inter se maturo et digesto consilio, ad infra scripta cum ipsis devenerunt capitula, quae postea secundum morem huius sacri concilii per sacras deputationes mature deliberata, ac deinde per generalem 10 congregationem conclusa firmataque solemniter extiterunt: quorum tenor una cum mandato ipsius domini imperatoris sub bulla aurea sequitur, et est talis: *Ambaxiatores serenissimi domini imperatoris*, etc.' utb in decreto concilii superius insertoc latius continetur. Et quia tempus superius expressum, infra quod praedicta debebant adimpleri, effluxit, non propter 15 defectum alicuius partium, sed quia ita contigit variis intervenientibus tractatibus; haec sancta synodus tempus per praefatos serenissimum imperatorem Graecorum et reverendissimum patriarcham Constantinopolitanum parted ex una, et ambaxiatores huius sacrae synodi parte ex altera, statutum et firmatum, quod est a mense maio immediate sequenti 20 ad annum, ita quod per totum mensem maii ad annum sequentem utraque partium sit parata ad exequendum supradicta, quantum ad quamlibet partium attinet, acceptat et promittit se impleturam, quantum ad ipsam pertinet, infra dictum tempus quidquid in supradictis capitulis continetur.

[Salvus conductus Graecorum datus domino imperatori 25
Graecorum et patriarchae Constantinopolitano a sacro
concilio Basileensi]

Sacrosancta generalis synodus Basileensis, in Spiritu sancto legitime congregata, universalem ecclesiam repraesentans. Quia auctore Deo in regione nostra occidentali et obedientiae ecclesiae Romanae est univer- w salis et oecumenica synodus celebranda, in qua iuxta concordata in hac sancta synodo, et in Constantinopoli denuo ratificata, tam occidentalis quam orientalis ecclesia conveniet⁶, ut cunctis erga eandem ecclesiam orientalem nostrae intentionis sinceritas pateat, et omnis suspicio quae circa securitatem ac libertatem venientium oriri posset de medio auferatur, ss tenore praesentis decreti haec sancta synodus Basileensis, nomine et vice totius ecclesiae occidentalis, et omnium de eadem ecclesia cuiuscumque status, etiamsi papali, imperiali, regali, pontificali vel quacumque alia inferiori spirituali vel saeculari praefulgeant dignitate, potestate vel

a oratoribus v. / . *Msi* b prout et quemadmodum *Mxv*

c cum data eiusdem de verbo ad verbum *add. Mxv*

d *om. Dc* e convenit *Mxv*

1 Cf. Ps 54,23; 1 Pt 5,7. » Ps 135, 4. * Sess. XIX (v. supra pp. 479-482).

venerable cardinals of the holy Roman church, presidents of the apostolic see, casting all our thoughts on God¹, *who alone does great wonders*², deputed the patriarch of Antioch and a suitable number of archbishops, bishops, abbots, masters and doctors to treat of this question with the ambassadors of the Greeks and to look for a way to reach a solution. After these men had frequently met and discussed among themselves and with the ambassadors, they reached the conclusions given below. These conclusions, in accordance with the custom of this council, were seriously debated by the deputations and ratified by a general congregation. Their contents, together with the chrysobull of the lord emperor, are as follows: *The ambassadors of the most serene lord emperor*, etc.³, which is given at length in the council's decree which is included above. But because the period of time mentioned above, within which the aforesaid things should have been fulfilled, has elapsed, not through the fault of either party but because of various intervening negotiations, this holy synod therefore accepts the period of time agreed by the most serene emperor of the Greeks and the most reverend patriarch of Constantinople on the one side, and by the ambassadors of this sacred council on the other, namely the year beginning this coming month of May, so that for the whole of this May until the following year each of the two parties is prepared to carry out the aforesaid points, and each accepts and promises that it will fulfil for its pan, within the said time, whatever is included in the above-mentioned terms.

[Safe-conduct for the Greeks given by the sacred council of Basel to the lord emperor of the Greeks and the patriarch of Constantinople]

The holy general synod of Basel, legitimately assembled in the holy Spirit, representing the universal church. In our western region and the obedience of the Roman church, a universal and ecumenical synod is to be held, under God's inspiration, at which both the western church and the eastern church will meet in accordance with the agreement reached at this holy synod and later ratified in Constantinople. In order that the sincerity of our intention towards the eastern church may be manifest to all, and that all possible suspicion as regards the security and freedom of those coming to it may be removed, this holy synod of Basel by this present decree, in the name and on behalf of the entire western church and of all in that church of every status, including those of imperial, regal or pontifical rank or of any lower spiritual or secular dignity, authority or office,

¹ Sec Ps 54, 23; ¹ Pi 5, 7. ² Ps 135, 4.

³ Session 19 (see above pp. 479-482).

ofhcto, decernit, dat et concedit serenissimo imperatori Graecorum*,
 reverendissimis patriarchis Constantinopolitano, Alexandrino, Antioche-
 no, et Ierosolymitano, ceterisque usque ad numerum septingentarum
 personarum, etiamsi imperiali, regali, archiepiscopalib, et cuiuscumque
 s alterius status, dignitatis aut conditionis fuerint, ad praedictum univer-
 sale et oecumenicum concilium in regione occidentali, ut praemittitur,
 celebrandum, venientibus aut venturis, plenum et liberum salvum con-
 ductum, omnesque praedictos et quemlibet ipsorum, tam in personis
 quam in honoribus et rebus quibuscumque, ipsorum nominibus, regnis6,
 io provinciis, dominiis, territoriis, communitatibus, civitatibus, castris,
 oppidis, et villis, et omnibus locis obedientiae nostrae ecclesiae occiden-
 talis, per quae sive eundo, sive stando, sive etiam redeundo, transituri
 sunt, aut eos transire contigerit: in suam tutam securamque salviguardiam
 recepit et recipit per praesentes, promittens, et concedens omnibus et
 is singulis ex ipsis hoc praesenti edicto synodali, tutam, et liberam facul-
 tatem accedendi et veniendi in et ad civitatem seu locum in qua vel in quo
 erit dictum sacrosanctum universale concilium celebrandum: ibique
 standi, morandi, residendi, habitandi cum omnibus immunitatibus, liber-
 tatibus et securitatibus, quibus illi qui erunt de obedientia ecclesiae
 20 Romanae habitabunt: disputandi etiam et ratiocinandi, et iura et aucto-
 ritates allegandi, et omnia alia libere et sine cuiuscumque impedimento
 dicendi, faciendi, et tractandi, quae pro unione ecclesiarum Christi0 eis
 expedire videbitur et opportunum. Inde etiam semel et pluries, et toties
 quoties eis et cuilibet eorum videbitur, et placebit, simul et separatim,
 25 et cum eorum bonis rebus et pecuniis et sine, pro libitu recedendi et
 redeundi tute, libere, et impune, omni impedimento reali et personali
 cessante, penitusque remoto, etiamsi talis unio, quod absit, non seque-
 retur, nec effectum haberet: quo casu, et in omnem alium eventum', prae-
 fati serenissimus imperator, domini patriarchae, et alii supra nominati,
 m nostris duntaxat expensis et galeis, absque aliqua dilatione temporis,
 omnique remoto impedimento, cum eisdem honoribus, benevolentia, et
 amica, quibus ad praefatum universale celebrandum concilium dedu-
 centur, edam in et ad Constantinopolim reducentur, sive unio sequatur
 in dicta celebranda synodo oecumenica, sive non. Non obstantibus in
 35 praedictis vel aliquo praedictorum quibuscumque differentiis, discor-
 diis et dissensionibus ad praesens vigentibus, et quae in futurum oriri et
 vigere possent inter dictas ecclesias occidentalem et orientalem, seu inter
 ipsam ecclesiam Romanam et ei subiectos et aggregatosf, praefatum
 serenissimum imperatorem, et alios ecclesiae Constantinopolitanae aggre-
 40 gatos, et non obstantibus aliquibus sententiis, decretis, condemnationi-
 bus, iuribus et decretalibus quomodocumque et qualitercumque factis et
 prolatis seu faciendis®: et etiam non obstantibus aliquibus|| criminibus,

» Romanum *Dc Mxv* b episcopali *add. Dc*

c in omnibus regnis *Mxv* d christianitatis *Mxv* c om. *Mxv*

45 f congregatos *Mxv* g fiendis *Dc Mxv*

h represaliis et debitis publicis vel privatis. Et non obstantibus aliquibus *add. Dc Mxv*

decrees, gives and concedes a full and free safe-conduct to the most serene emperor of the Greeks', the most reverend patriarchs of Constantinople, Alexandria, Antioch and Jerusalem, and others up to the number of seven hundred persons, whether of imperial, regal, archiéiscopal or any other rank, dignity or condition, who are coming or shall come to the aforesaid universal and ecumenical council in the west. This holy synod, by this decree, receives and has received into its safe-keeping each and all of the said people, as regards their persons, honours and everything else, in the kingdoms, provinces, lordships, territories, communities, cities, castles, towns, vills and places of our obedience of the western church in which they shall stay or through which they shall pass. It promises and concedes to each and all of them, by this present synodal edict, free and safe permission to approach and enter the city or place in which the said holy universal council will be held; to stay, remain, reside and dwell there with all the immunities, liberties and securities which those of the obedience of the western church dwelling there will have; of debating, arguing and alleging rights and authorities and of saying, doing and treating of, freely and without hindrance from anyone, anything else that may seem to them useful and apt for the union of the churches of Christ.

They may at will go out and return from the said town or place safely, freely and without restraint, once or often or as many times as any of them may wish, singly or together, with or without their goods and money, with every' real or personal obstacle ceasing and being put aside, even if the said union does not come about, though may that not be so. In the latter case and in every other outcome, the most serene emperor, the lord patriarchs and other aforesaid persons will be taken back to Constantinople, at our expense and in our galleys, without any delay or obstacle, with the same honours, good will and friendship with which they were brought to the said universal council, whether or not union resulted from the council.

All this is notwithstanding any differences, disagreements or dissensions about the aforesaid matters, or any of them in particular, which exist at present or could arise in the future between the said western and eastern churches, that is, between the Roman church and those subject and attached to it, and the aforesaid most serene emperor and others attached to the church of Constantinople; notwithstanding any judgments, decrees, condemnations, laws or decretals of any kind that have been or shall be made or issued; notwithstanding any crimes, excesses, faults or sins that may be committed by any of the aforesaid

excessibus, culpis et delictis, si quael per praedictos vel alterum eorum quomodocumque et qualitercumque commissa et perpetrata forent: et generaliter non obstantibus quibuscumque aliis, etiam taliab forent, de quibus necessarium esset specialem in praesentibus facere mentionem. Et si contingat aliquem vel aliquos ex nostris eis vel alicui ipsorum iniuriari, quod absit, vel aliquam molestiam inferre in persona, honore, rebus et aliis quibuscumque, taliter excedens iudicabitur per nos aut nostros, usque ad condignam et rationabilem satisfactionem parti laesae. Et e converso, si aliquis ipsorum alicui ex nostris aliquam, ut praemittitur, iniuriam inferat, iudicabitur per eos usque ad condignam et rationabilem satisfactionem ei qui iniuriam passus est, secundum morem et consuetudinem utriusque partis. De aliis autem criminibus, excessibus et culpis quibuscumque, quaelibet partium cognoscet et iudicabit de suis.

Hortatur autem haec sacrosancta synodus universos Christi fideles, et nihilo minus auctoritate universos Christi fideles, et nihilo minus auctoritatec universalis ecclesiae in virtute Spiritus sancti et sanctae obedientiae mandat et praecipit omnibus et singulis praelatis, regibus, ducibus, principibus, officialibus, communitatibus et aliis singularibus personis, cuiusvis status, conditionis et dignitatis existant, nostrae occidentali ecclesiae aggregatis, quatenus praedicta omnia et singula inviolabiliter i» observent, et, quantum in eis est, observari faciant: dictosque serenissimum imperatorem, patriarchas, et alios omnes et singulos antedictos, ad dictum sacrum celebrandum concilium accedentes, et inde recedentes, simul et divisim favorabiliter et reverenter honorent et tractent, ac honorari et tractari faciant. Si qua vero dubitatio circa dictum salvum conductum et contenta in eo oriri contigerit, stabitur declarationi praefatae universalis synodi celebrandae. Vult autem haec sancta synodus praesentem salvum conductum valere, et in suo robore permanere, quousque ad ultimum dicti serenissimus imperator, patriarchae, et alii supradicti, cum suis nobilibus et famulis usque ad numerum, ut praemittitur, septingentarum personarum, aliisque rebus et bonis, sint reversi in et ad civitatem Constantinopolitanam. Si quis autem contra praedicta aut aliquod ipsorum0 aliquid facere quoquo modo tentaverit, indignationem omnipotentis Dei et dictae sanctae synodi se noverit incursum.1

« qua *Dc Mxv* b etiam si talia *Mxv*

c universos ... auctoritate *ont. Dc Mxv* d praedictorum *add. Dc Mxv*

35

1 Deinceps in hac sessione lecta est: *Aorta bulla domini imperatorii Graecorum et Bulla domini patriarchae Conrtantinopolitani mitta tacro concilio BasUeenri*. Denique approbatae sunt: *Bullae indulgentiarum remittiomt omnium peccatorum temel in vita et temel in morte, infavorem tubtidii pro reductione Graecorum procurandi*.

persons; and notwithstanding anything else, even if it is something for which a special mention in this decree is necessary. If one or some of ours should harm one or more of them, though may it not happen, or should molest them in their persons, honour, property or anything else, the miscreant shall be sentenced by us or ours to make adequate and reasonable satisfaction to the injured party. And conversely, if any of them harms any of ours, he shall be sentenced by them to make adequate and reasonable satisfaction to the injured party, in accordance with the customs of both parties. As regards other crimes, excesses and faults, each party will institute proceedings and pass judgment on its own members.

This holy synod exhorts all Christ's faithful and furthermore commands, by the authority of the universal church and in virtue of the holy Spirit and of holy obedience, all prelates, kings, dukes, princes, officials, communities and other individuals, of whatever status, condition or dignity, who are members of our western church, to observe inviolably each and all of the above things and, far as they can, to have them observed; and to honour and treat with favour and reverence, and to have so honoured and treated, both individually and together, the most serene emperor, the patriarch and each and all of the other aforesaid persons on their way to and from the said council. If any doubt arises about the safe-conduct and its contents, it shall be decided by a declaration of the universal synod which is to be held. This holy synod, for its part, wishes the safe-conduct to remain in force until the most serene emperor, the patriarch and other aforesaid persons with their nobles and suites to the number of seven hundred persons, as was stated, and with their goods and chattels, have returned to Constantinople. If anyone attempts to act in any way contrary to the aforesaid or any part of it, let him know that he will incur the indignation of almighty God and of the said holy synod.¹

¹ Then there were read out in this session: *Chrysobull of the lord emperor of the Greeks* and *Bull of the lord patriarch of Constantinople sent to the sacred council of Basel*. Finally there were approved: *Bulls of indulgences for the remission of all sins, once in life and once at death, for the purpose of obtaining contributions for the Greeks*.

SESSIO XXV

7 maii 1437

[De locis futuri et oecumenici concilii pro Graecis]

Sacrosancta generalis synodus Basileensis, in Spiritu sancto legitime congregata, universalem ecclesiam repraesentans, ad perpetuam rei memoriam. Nuper haec sacrosancta synodus inter varias sollicitudines, quibus inscrutabilis divinae altitudinis providentia, eam invocatione sui Spiritus Para-

5 cleti, ad excolendum dominici gregis agrum adunari operarique dignata est, internae mentis oculos more agricolae pervigilis revolvens, et attente prospiciens quam deflenda diutine occidentalis et orientalis ecclesiarum in eiusdem fidei professione divisio in Dei perstitit et duravit ecclesia,

10 de clementissima eius bonitate, apud quem nihil est impossibile¹, ^wique digne postulantibus *affluenter dat*¹ et large, spem suscipiens et fiduciam, ad procurandam inter ipsas ecclesias catholicae fidei unitatem, suae diligentiae curas tanto accuratius, non parcendo laboribus vel impensae, adhibere decrevit, quanto ex hoc, ad omnipotentis Dei laudem et gloriam,

is uberiores animarum salutem, maiusque ipsius fidei incrementum provenire² cognovit. Cupiensque propterea, suffragante Spiritus sancti gratia, tam saluberrimum unionis negotium aggredi et amplecti, ad illud serenissimum Romanorum³ imperatorem et venerabilem patriarcham Constantinopolitanum ceterosque praelatos et alium Graecorum populum

so per diversos oratores et litteras duxit invitandos pariter et exhortandos. Qui quidem imperator et patriarcha et alii Graeci, volente et eorum corda Altissimo inflammante, exhortationes huiusmodi alacribus animis suscipientes, ipsumque unionis negotium aggredi sinceris affectibus perhibentes, suos solemnes oratores et nuntios sufficienti mandato bulla aurea et

25 propriae manus subscriptione imperatoris, bullaque plumbea patriarchae praedictorum munito suffultos, ferventissimum eorundem ad hanc fidei unitatem zelum devotissime explicantes, ad eandem sacrosanctam synodum duxerunt destinandos, cum quibus ipsa sancta synodus diversis tractatibus et deliberationibus praevis, pro executione et consummatione

so felici tam salutaris operis, nonnulla decreta et capitula ad hoc summopere necessaria et utilia, superius inserta, et dudum in certa sessione ipsius sanctae synodi in maiori ecclesia Basileensi celebrata, publicata, animo concorditer conclusit. Volensque deinde haec sancta synodus decretad et capitulata⁴ huiusmodi viis et modis omnibus necessariis et opportunis

35 prosequi, ac iuxta illa ad electionem loci pro futuro oecumenico concilio, in quo imperator et patriarcha praedicti, alique Graeci, convenire possent et deberent, celebrando, mature procedere, habitisque super his et aliis hanc piam rem concernentibus, in diversis ipsius sanctae synodi deputationibus multiplicibus propositionibus et tractatibus, illisque cum voto-

*0 * pervenire *Mxv* b suffraganti *Dc* *Mxv*
d décréta» *Mxv* « capitula *Dc*

¹ Cf. Le 1,37. ¹ Ic 1, 5.

SESSION 25

7 May 1437

[On the places for the future ecumenical council for the Greeks]

The holy general synod of Basel, legitimately assembled in the holy Spirit, representing the universal church, for an everlasting record. Recently this holy synod, among the various tasks for which the inscrutable providence of the divine majesty has deigned, by the invocation of the holy Spirit the paraclete, to bring it together and to employ it in the cultivation of the Lord's field, turning its mind like a watchful farmer and clearly perceiving how deplorable and abiding has been the division in God's church over the profession of the same faith by the eastern and western churches, conceived high hope and confidence in the most merciful goodness of him with whom nothing is impossible¹, and *who generously* and without restraint *gives*² to all who duly ask him, to bring about the unity of the catholic faith between these churches. It decided, therefore, to apply the resources of its diligence more fully, grudging no labour or expense, because it was convinced that thence would follow the greater praise and glory of almighty God, a more fruitful salvation of souls and a greater increase of the faith. Desirous of undertaking this most salutary project of union, with the help of the grace of the holy Spirit it invited and exhorted to come to the project, through various envoys and letters, the most serene emperor of the Romans, the venerable patriarch of Constantinople, the other prelates and the rest of the Greek people.

The emperor, the patriarch and others of the Greeks received these exhortations with eagerness, their hearts inclined and influenced by the grace of the most High. Sincerely zealous to embark on this project of union, they decided to send to this holy synod their solemn envoys and spokesmen, who were furnished with an adequate mandate with the golden seal and signature of the emperor and the leaden seal of the patriarch, devoutly expressing their most fervent desire for this unity of faith. This holy synod concluded with them, in various preliminary meetings and deliberations about the execution of this salutary task of union, certain mutually agreed decrees and terms highly useful and necessary for this purpose, which were recorded above and were promulgated in a session of this holy synod in the cathedral of Basel. Thereafter this holy synod wished to implement these decrees and terms by all necessary and suitable means, and therefore to proceed to choosing a place for the coming ecumenical council, to which the aforesaid emperor, the patriarch and others of the Greeks could and should come. After many propositions about these and other topics relevant to this holy matter had been considered by the various deputations of this holy synod, and after the votes of their members on these

¹ See Lk 1, 37. ² Jas 1, 5.

rum suppositorum eorundem scrutinio diligenti recensitis, demum in generali congregatione ad hoc in maiori ecclesia praedicta, ut moris est, indicta, et iterum votis singulorum in eadem scrutatis, repertoque duplo maiorem partem et multo plus vota sua direxisse in Basileam, Avinionem, vel Sabaudiam, invocata Spiritus sancti gratia, post missarum solemnias conclusum fuit et conventum, quod apud imperatorem, patriarcham, et alios Graecos praedictos, diligens et debita fieret instantia, cum allegationibus et expositionibus plurimarum rationum quae ad id allegari et adduci possent, ut ex diversis bonis respectibus civitatem Basileensem acceptarent pro dicto oecumenico concilio ibidem celebrando: quam si eos 10 omnino recusare contingeret, extunc civitas Avinionensis locus esset ipsius oecumenici concilii ibidem celebrandi. Si tamen illud in eadem celebrari non posset ex tunc in Sabaudia concilium celebraretur antedictum. Ut igitur praemissa omnia et singula debitum et votivum sortiantur effectum, cum omni solemnitate alias in hoc sacro Basileensi concilio in rebus arduis expediendis adhiberi solita*, patribus in maiori ecclesia Basileensi post missarum solemnias considentibus, haec sancta synodus decernit, vult, statuit, ordinat et declarat, futurum oecumenicum concilium in Basileensi, aut, illa recusata, in Avinionensi civitatibus, alioquin in Sabaudia, iuxta conclusionem supradictam, debitis et conventis 20 temporibus debere celebrari. Quodque imperator et patriarcha et alii Graeci praedicti, iuxta capitulata et decretata huiusmodi, nec non omnes et singuli alii cuiuscumque gradus, status, dignitatis vel praeeminendae existant, qui generalibus conciliis de iure vel consuetudine interesse debent, etiamsi pontificali dignitate praefulgeant, ad illud debeant et 25 teneantur, maxime pro consummatione tam salutaris operis, accedere, et etiam convenire. Et hanc praemissam nominationem et electionem vult, statuit et decernit haec sancta synodus, ut sit firma, inconcussa et inviolabilis, quacumque alia modificatione, ordinatione, dispositione, nominatione, seu electione per ipsum sacrum concilium seu alium vel 30 alios, quacumque auctoritate etiam papali fungentes, in contrarium facta seu factis, minime valitura seu valituris, quam seu quas haec sancta synodus ex certa scientia ex nunc irritat, cassat, revocat, et annullat, seu cassa, nulla et irrita nuntiat, et pro infectis illam seu illas habere vult, et praesentibus habet, quatenus in totum vel in partem praemissae electioni obviant 35 vel repugnant. Supplet etiam haec sancta synodus ex certa scientia omnem defectum, si quis in praemissis vel aliquo praemissorum forsitan intervenerit. Et insuper cum res tam ardua, plurimum in Dei ecclesia fructum allatura, sine gravibus expensarum sarcinis consummari, et Graeci praedicti adduci, adductique sustentari non valeant, dignumque et debitum 40 existât, ut pro consummatione tam felicitis operis Christi fideles universi, maxime ecclesiasticae personae, de commissi sibi patrimonii domini nostri Iesu Christi substantiis liberali dispensatione ministrent, haec sancta synodus universis et singulis ecclesiasticis personis exemptis et non exemptis, sub quacumque verborum forma, etiam ordinis sancti 45

points had been counted, finally in a general congregation summoned for this purpose in the said cathedral, as is customary, in which the votes of the individuals were again counted, it was found that more than two-thirds of them had voted for Basel, Avignon or Savoy. After they had invoked the grace of the holy Spirit and celebrated a mass, they agreed that due and earnest pressure should be exerted on the emperor, the patriarch and other aforesaid Greeks, with the many good reasons being put before them, so that they might agree to Basel as the place for the ecumenical council, and that if they rejected Basel, it should be held at Avignon. If Avignon proved impossible, it should be held in Savoy.

Therefore, in order that each and all of the aforesaid points might be brought to fruition, with all the solemnity normally employed in this sacred council of Basel in expediting matters of importance, while the fathers are seated in the cathedral of Basel after the mass, this holy synod decrees, wishes, ordains and declares that the future ecumenical council ought to be held at the due and agreed time in the city of Basel or, if that is rejected, in the city of Avignon or otherwise in Savoy, in accordance with the above-mentioned agreement; and that the emperor, the patriarch and other aforesaid Greeks, as detailed in the said terms and decrees, and all other persons of whatever rank, status, dignity or pre-eminence who ought by right or custom to take part in general councils, including those of episcopal rank, are bound and obliged to come to and take part in that ecumenical council, especially so that this salutary work might be completed. This holy synod wishes, declares and decrees this nomination and choice to be firm, fixed and unchangeable. Any modification, ordinance, disposition, nomination or choice to the contrary that may be made by this holy council or by one or more other persons, whatever their authority, even if it be papal, is utterly invalid; and this holy synod from its certain knowledge as from now quashes, revokes and annuls any such measures, and denounces them as quashed, null and of no effect, and it wishes them to be of no effect and holds them so now, in so far as they impede or oppose in whole or in part the said choice. Also this holy synod from its certain knowledge supplies for any defect that may exist in the aforesaid things or in any of them in particular.

Furthermore, since this very difficult undertaking, which will bear great fruit in God's church, as well as the transport and maintenance of the aforesaid Greeks, cannot be accomplished without heavy expenses, it is right and fitting that all of Christ's faithful, especially ecclesiastics, should contribute generously from the substance of the patrimony of our lord Jesus Christ entrusted to them, for the conclusion of so happy a venture. This holy synod therefore imposes on each and every ecclesiastical person, both exempt and non-exempt under whatever form or words, even the order of St John of Jerusalem, of whatever status,

Ioannis Ierosolymitani, cuiuscumque status, dignitatis, gradus, ordinis vel conditionis, existant, etiamsi cardinalatus vel pontificali praefulgeant dignitate, generalem omnium et singulorum suorum" ecclesiasticorum fructuum et proventuum, quotidianis distributionibus duntaxat exceptis, s
decimam de suis ecclesiis, monasteriis, dignitatibus et officiis, ceterisque ecclesiasticis beneficiis in sua generali congregatione iam impositam et conclusam, persolvendam et exigendam, decernit, statuit et declarat imponendam¹, eamque imponit per praesentes. Praeterea dicta sancta synodus decernit, vult, ordinat et declarat, quod venerabiles Joannes Lubicensis, io
Ludovicus Visensis, Delphinus Parmensis, Ludovicus Lausanensis, episcopi, ipsius sacrosanctae synodi oratores, ad conducendum Graecos ad locum oecumenici concilii, eorumque maior pars tunc praesens, portum latinum locis supra electis et nominatis aptiorem et propinquiorem, ad quem dicti Graeci ultimo debeant applicare, eligendi et nominandi is
plenam habeant potestatem, illamque eisdem concedit per praesentes, iuxta formam aliarum litterarum eis superinde datarum. -Postremo eadem sancta synodus vult, ordinat et decernit, quod pro praemissorum et ex eis dependentium debita et votiva executione, dictorumque syndicorum et concilii securitate pleniori, ad omnem eorum, aut suorum procura- 20
torum vel nuntiorum petitionem et instantiam, eis quaevis aliae litterae opportuna, utiles et necessariae, sub bulla eiusdem sanctae synodi per ipsius cancellariam in forma debita et honesta concedantur, conficiantur, et etiam expediantur.

Sacrosancta generalis synodus Basileensis in Spiritu sancto legitime con- 25
gregata, universalem ecclesiam repraesentans, ad perpetuam rei memoriam¹. Haec sacrosancta synodus inter suae congregationis exordia, ut ea, pro quibus generalium conciliorum celebratio dignoscitur instituta, Spiritus sancti assistente gratia, opere complerentur, summam diligentiam ad continuandam inter populos occidentales et orientales unionem adhi- 30
buit, ut sicut ex longo dissidio Dei ecclesia innumeras perpessa est calamitates, ita ex fraterna unione maximum assequeretur profectum, proinde Constantinopolim ad hoc sanctum promovendum opus oratores transmisit, quibus una cum solemnibus ambaxiatoribus serenissimi imperatoris Romanorum et venerabilis patriarchae Constantinopolitani huc redeunti- 35
bus, habitis super hoc multis tractatibus, maturaque deliberatione, tandem certa capitula inter hoc sacrum concilium et ipsos ambaxiatores concordata, et per decretum et publica sessione firmata extiterunt. In quibus eadem sancta synodus ex tam sancto negotio ad destinandum Constantinopolim oratores suos cum quibusdam pecuniarum summis, et duabus 40
galeis grossis, duabusque subtilibus, et trecentis balistariis, infra certum

1 om. Dc b imponendum Dc

¹ Decretum hoc, dissimiliter quam superius decretum, quod approbatum erat a plerisque patribus, approbatum est in eadem XXV sessione a patribus, numero minoribus, in communione cum Romano pontifice.

dignity, rank, order or condition, even if they are cardinals or bishops, a tenth of all their ecclesiastical fruits and revenues — only daily distributions being excepted — from their churches, monasteries, dignities, offices and other ecclesiastical benefices. This tenth has already been imposed and agreed upon in a general congregation of this holy synod, and this holy synod now decrees and declares that it is to be imposed, and by this decree it imposes it.

Furthermore, the said holy synod decrees, wishes, ordains and declares that the venerable bishops John of Lübeck, Luis of Viseu, Delfino of Parma and Louis of Lausanne, envoys of this holy synod, have full power for bringing the Greeks to the place of the ecumenical council, and for the majority of them then present to choose and nominate the Latin port which is most suitable and nearest to the places chosen and nominated above, and to which the said Greeks ought to direct themselves. The synod concedes this power to them by this present decree in accordance with the form of the other letters granted to them in this affair. Finally the same holy synod wishes, ordains and decrees, for the due and desired execution of the aforesaid points and what follows from them, and for the fuller security of the said envoys and of the council, that, at the request of these envoys or of their agents, any other suitable, useful and necessary letters shall be granted, drawn up and despatched in due and correct form by the synod's chancery under the synod's seal.

The holy general synod of Basel, legitimately assembled in the holy Spirit, representing the universal church, for an everlasting record'. This holy synod from its outset, in order that those things might be accomplished which general councils are instituted to achieve with the assistance of the holy Spirit, devoted very great care to promoting union between the western and eastern peoples so that, as the church of God has suffered innumerable disasters from the long-standing dissension, the greatest profit might ensue from fraternal union. Therefore it sent envoys to Constantinople for the promotion of this holy work. They returned with the ambassadors of the most serene emperor of the Romans and of the venerable patriarch of Constantinople. After many meetings and mature deliberation on this subject, certain terms were agreed between this sacred council and those ambassadors and were confirmed by a decree in a public session. By these terms this holy synod bound itself to send envoys with certain sums of money, two large and two smaller galleys and three hundred crossbowmen within a fixed time, and to nominate through these envoys one of the places

¹ The previous decree was approved by the majority of fathers, whereas this decree was approved in the same 25th session by the minority of fathers in communion with the Roman pontiff.

tempus, ac per eosdem unum de locis in decreto comprehensis pro oecumenico concilio nominandum, in quo imperator et patriarcha cum septingentis personis, pro hac sancta unione complenda, nobiscum convenirent, obligare se voluit. Cum autem tempus ista exequendi in foribus instet, cupiens haec sancta synodus suis penitus pollicitationibus satisfacere, et tam »
pium negotium, quo hoc tempore salubrius excogitari nequit, totis viribus ad optatum finem perducere, ad hanc in suis disputationibus, et deinde in generali congregatione conclusionem devenit, ut videlicet civitas Florentina, aut Utinum in patria Fori Iulii ponenda in manu concilii, seu quicumque alius locus tutus in decreto comprehensus, summo pontifici et Graecis accomodus, pro oecumenico concilio eligatur; ille videlicet de praedictis, qui citius paraverit et expedierit galeas, pecunias et alia necessaria, datis etiam securitatibus necessariis. Portus autem sit Venetiae, Ravenna, aut Ariminum: ille videlicet ex iis, quem imperator et patriarcha Constantinopolitanus maluerint. Item ne clerus gravaretur is incassum, decima nec decretaretur, nec exigeretur, usquequo Graeci ad unum de praedictis applicuerint portum. Quodque per totum tempus in decreto comprehensum in hac civitate sacrum remaneat concilium, et ut legati ac praesidentes apostolicae sedis, vocatis patribus, de quibus eis visum esset, oratores ad conducendum Graecos et praemissa exequenda 20
eligant, qui omnem instantiam pro hac civitate Basileensi facere debeant. Ut igitur semper, divina gratia assistente, praemissa omnia et singula debitum sortiantur effectum, in hac publica et solemni sessione haec sancta synodus praefatam conclusionem vult, statuit, declarat esse firmam atque validam, tenendamque et exequendam; cassans, irritans et annu- 25
lans, cassumque, irritum et nullum esse decernens quidquid a quoquam, et etiam quibuscumque factum vel actum sit, vel in futurum fieret, vel attentaretur adversus praedicta, seu dependentia ab eis, vel quod eorum executionem posset quomodolibet impedire: volens, ut ad praedictorum executionem praedicti apostolici legati ac praesidentes quascumque 30
literas opportunas sub bulla concilii in forma debita conficiant, et alia quaecumque huic sancto negotio necessaria vel accommoda expediant.

SESSIO I*

8 ian. 1438

[Declaratio Nicolai Albergati cardinalis, praesidentis concilii]

Nos Nicolaus apostolicae sedis legatus², pronunciamus pro sanctissimo domino nostro papa Eugenio IV in hac sacra synodo de Basilea ad civitatem Ferrariensem translata, iamque legitime congregata, praesidere, et hodie, videlicet octava die mensis ianuarii, continuationem ipsius translatae synodi factam esse, a dictaque die in antea continuandam esse et

¹ Haec est sessio prima Ferrariae celebrata. De numero sessionum solemnum cf. G. Hofmann, *Cbarakier der Sit^urigen im Kon^il von Flaren^*, Orient. Christ. Per. 16 (1950) 359-360.

² Card. Nicolaus Albergati (1375-1443).

mentioned in the decree for the ecumenical council, where the emperor and the patriarch with seven hundred persons would meet with us to bring about this holy union.

However, since the time-limit for accomplishing the above is imminent, this holy synod, desirous of fulfilling its promises completely and of bringing to its desired goal this holy endeavour which is the most salutary of all works in these times, came to the following conclusion in its discussions and then in a general congregation: namely, that Florence or Udine in Friuli should be put into the council's hands, or else that there should be chosen for the ecumenical council some other safe place which is mentioned in the decree and is convenient for the pope and the Greeks, that is to say whichever of the aforesaid places shall be quickest to collect and send the galleys, the sums of money and other requisites with the necessary securities. The port would be Venice, Ravenna or Rimini; whichever of them the emperor and the patriarch of Constantinople prefer. Also, so that the clergy are not burdened uselessly, the tenth shall not be decreed or exacted until the Greeks have arrived at one of the above-mentioned ports. Also, that the sacred council should remain in this city during the whole time covered by the decree. Also, that the legates and presidents of the apostolic see, after they have summoned such fathers as shall seem good to them, shall choose the envoys for accompanying the Greeks and for carrying out the aforesaid things; these envoys ought to urge forcibly the choice of this city of Basel.

Therefore, in order that each and all of the above may attain due effect, with the assistance of divine grace, in this public and solemn session this holy synod wishes, decrees and declares that the aforesaid decision is definite and valid, to be adhered to and to be implemented. It quashes, voids and annuls, and declares to be quashed, void and null, whatever has been or shall be done, or may be attempted, by any person or persons contrary to the above or its consequences or whatever could in any way impede their execution. And it wishes that the aforesaid apostolic legates and presidents shall compose in due form and under the seal of the council suitable letters for the execution of the above, and shall expedite whatever else may be necessary and appropriate for this holy enterprise.

SESSION I^{*}

8 January 1438

[Declaration of cardinal Nicholas Aibergati, president of the council]

We, Nicholas, legate of the apostolic see², announce that we preside on behalf of our most holy lord pope Eugenius IV in this sacred synod which was translated from Basel to the city of Ferrara and is already legitimately assembled, and that the continuation of this translated synod has been effected today 8 January, and that the synod is and ought to be continued from today onwards for all the

¹ This was the first session at Ferrara. On the number of solemn sessions, see G. Hofmann, *Charakter der Sitzungen im Konzil von Florenz*, Orient. Christ. Per. 16 (1950) 359-360.

² Cardinal Nicholas Aibergati (1375-1443).

continuari debere ad omnia, ad quae Basiliensis synodus congregata fuerit, etiam pro ycumenico coricilio, in quo de unione occidentalis et orientalis ecclesiae agatur et auctore Domino perficiatur.^{1*}

SESSIO II

10 ian. 1438

i [De legitima continuatione concilii Ferrariae,
contra congregationem Basiliensem]

Ad laudem omnipotentis Dei, exaltationem catholice fidei, pacemque et tranquillitatem et unitatem totius populi christiani, sancta universalis sinodus per ipsius Dei gratiam auctorizante beatissimo domino Eugenio papa IV, in hac civitate Ferrariae in Spiritu sancto legitime congregata,
10 universalem ecclesiam representans; presidente, vice et nomine ipsius sanctissimi domini Eugenii, reverendissimo in Christo patre et domino, domino Nicolao, tituli sancte Crucis in Iherusalem, sancte Romane ecclesie presbytero cardinali, apostolice sedis legato, illius inherens firmissimo fundamento, qui apostolorum principi dixit: *Tu es Petrus et super*
15 *banc petram edificabo ecclesiam meam*^{*}; sollicita servare unitatem spiritus in vinculo pacis, uta simus *unum corpus et unus spiritus*, sicut vocati sumus *in una spe vocationis*⁹ nostre, attendensque multa superiori tempore acta, tam apud olim Basiliense concilium et post illius translationem per aliquos nulla ibidem auctoritate perseverantes, quam per prefatum beatissimum
20 papam dominum Eugenium, presertim circa negotium sanctissime unionis occidentalis et orientalis ecclesie, videlicet decretum decimenone sessionis olim dicti Basiliensis concilii, quod incipit *Sicut pia mater*¹, cui sanctissimus ipse dominus Eugenius assensum per suas literas prebuit^{5*}, item quamdam cedulam conventionalem super electione loci pro concilii Basiliensis translatione facienda, inter patres, communi omnium
25 assensu, firmatum et concordatum, cuius vigore ad decretum vigesime quinte sessionis olim dicti concilii processum est, quod ita exorditur *Hec sancta synodus inter sue congregationis exordia* etc. et quod constanter a Graecorum oratoribus requisitus sanctissimus ipse pontifex per suas
30 literas, in generali consistorio Bononie datas⁷, oratoribus presentibus publicatas, confirmavit pariter et recepit, item literas eiusdem beatissimi Eugenii, sub die XIV kalendas octobris proximi preteriti⁸, in generali

« *sic iustinianus et Mu*; et *CF* 1/2, 9

1 In hac sessione lecta sunt etiam: *Decretum Basileense* Haec sacrosancta synodus (v. supra pp. 512,24 - 513,32), *quatuor litterae apostolicae*, una videlicet *translationis concilii de Basilea ad civitatem Ferrariensem*, alia vero dicte *translationis declarationis*, *tertia salviconductus papae et quarta facultatis dicti domini legati ipsius papae* (cf. *CF* 1/1 89-99, 111-112, 117-118), ac *littera salviconductus marchionis Estensis pro libertate et securitate suppositorum concilii* (Cecconi 1/2, 407-409).

1 Mt 16,18. ' Eph 4,3-4. 4 Cone. Basil., sess. XIX (v. supra pp. 478-432).

• 15 nov. 1434 (Msi 29,264). * Cone. Basil., sess. XXV (v. supra pp. 512, 24 - 513, 32).

7 30 maii 1437 (*CF* 1/1, 65-70). 8 18 sept. 1437 (*CF* 1/1, 91-99).

purposes for which the synod of Basel was convened, including being the ecumenical council at which the union of the western and the eastern church is treated and with God's help achieved.¹

SESSION 2

10 January 1438

[On the legitimate continuation of the council of Ferrara, against the assembly at Basel]

For the praise of almighty God, the exaltation of the catholic faith and the peace, tranquillity and unity of the whole Christian people. This holy universal synod, through the grace of God authorized by the most blessed lord pope Eugenius IV, legitimately assembled in the holy Spirit in this city of Ferrara, represents the universal church. Its president, on behalf and in the name of the said most holy lord Eugenius, is the most reverend father and lord in Christ lord Nicholas, cardinal-priest of the holy Roman church of the title of holy Cross in Jerusalem, legate of the apostolic see. It adheres to the firm foundation of him who said to the prince of the apostles: *You are Peter, and on this rock I will build my church*². It is *eager to preserve the unity of the spirit in the bond of peace*., so that we might be *one body and one spirit*, just as we were called *in the one hope of our calling*?. It records that much was done in days past both at the former council of Basel and after its translation by some staying on there without any authority, and also by the said most blessed pope lord Eugenius, especially in respect of the business of the most holy union of the western and the eastern church, namely the following: the decree of the nineteenth session of the former council of Basel beginning *As a dutiful mother**, to which the most holy lord Eugenius gave his assent by his letter³; also an agreed proposal on the choice of a place to which the council of Basel should be translated, which was agreed upon and confirmed by all the fathers in common and which led to the decree of the twenty-fifth session of the former council, which begins *This holy synod from its outset* etc.⁶ and which the pope himself, urged on by the envoys of the Greeks, accepted and confirmed by his letter given in a general consistory at Bologna⁷ and published in the presence of these envoys; also the letter of the same most blessed Eugenius dated 18 September last⁸, issued in a general consistory at Bologna and solemnly

¹ In this session there were also read out: *Decree of Basel* Haec sacrosancta synodus (This holy synod) (see above pp. 512-513), *four apostolic letters, namely one of the translation of the council of Basel to the city of Ferrara, another of the declaration of the said translation, a third of the safe-conduct of the pope, and a fourth of the faculty of the said lord legate of the pope* (see CF 1/1 89-99, 111-112, 117-118), and *a letter of safe-conduct of the marquis of Este for the freedom and security of members of the council* (Cecconi 1/2, 407-409).

- Mt 16, 18. ³ Eph 4, 3-4. ⁴ Council of Basel, session 19 (see above, pp. 478-482.

15 November 1434 (Msi 29, 264). ⁶ Council of Basel, session 25 (see above pp. 512-513).

⁷ 30 May 1437 (CF 1/1, 65-70). ⁸ 18 September 1437 (CF 1/1, 91-99).

consistorio Bononie publicatas, in exordioque huius continuate sinodi solemniter lectas¹, quibus Basiliense concilium, de consilio et assensu reverendissimorum sancte Romane ecclesie cardinalium, prelatiŸ etiam tunc in curia existentibus et laudantibus, ad hanc civitatem Ferrariensem transtulit; item literas declarationis eiusdem, III kalendas ianuarii², translationem predictam proxime subsecutas, que omnia hec sancta synodus in actis eiusdem ad perpetuam rei memoriam de verbo ad verbum registrar! mandavit, prout in eisdem actibus continetur,

quibus omnibus et aliis plurimis debita meditatione pensatis ac per diversos tractatus mature discussis declarat translationem et declara- 1«
tionem predictas fuisse et esse legitimas, iustas, rationabiles, ac urgen-
tissima necessitate, ad tollendum impedimentum sanctissime unionis
occidentalis et orientalis ecclesie atque etiam ad evitandum scissurum in
Dei ecclesia iam imminensem pro evidentique utilitate totius reipublice
christiane fuisse et esse factas; et consequenter hanc ipsam sanctam syno- 1§
dum ad ea omnia pro quibus dictum olim Basiliense concilium ab initio
fuerat institutum, presertim pro futuro ycumenico concilio pro ipsa
sanctissima unione predicta, in presenti civitate Ferrarie in Spiritu sancto
esse legitime congregatam et stabilitam, continuationemque deinceps ac
prosecutionem ad predicta omnia debere habere; translationem ipsam 20
cum declaratione, ut premittitur, subsequuta, laudat, suscipit et approbat,
exhortans in Domino et requirens omnia et singula eius sancte sinodi
supposita presentia et futura, quatenus circa predicta pervigili cura ac
sollicito studio intendant. Ex quibus, ipso largiente, qui *cepit in* nobis
*opus bonum*³, ad eius gloriam et salutem totius populi christiani cuncta 25
dirigantur et fiant.

Declarat insuper hec sancta syn Ius, quod, cum notoria necessitas supradictarum causarum ipsum sanctissimum dominum Eugenium ad translationem ipsam exegerit et impulerit, sub decreto octave et undecime, vel cuiuscumque alterius sessionis dicti olim Basiliensis concilii, ullatenus 30
non includi.

Decemensque congregationem illam Basilee et omnem aliam, que ibi vel alibi sub nomine generalis concilii forsitan convenerit, illegitimam potius, et reprobam cumulationem et conventiculam esse censendam et censeri debere, nullaŸ que auctoritate generalis concilii posse consistere. 35

Omnia insuper et singula, que ab ipso translationis tempore in ipsa Basiliensi civitate sub nomine generalis concilii acta sunt, aut ibi vel alibi sub nomine generalis concilii, ut premittitur, in futurum forsitan attentari contigerit, cassat, irritat et annullat, irritaque, cassa et nulla, nulliusque roboris vel momenti esse decernit. 40

Si quid tamen in materia Bohemorum post translationem predictam per dictos Basilee congregatos utiliter actum fuisse⁴ cognoverit, id etiam, cum suppletione defectuum approbare intendit.

Ut autem omnia et singula ipsius sancte synodi supposita ab omni

¹ 8 ian. 1438 in prima sessione Ferrariensi. ¹ 30 dec. 1437 (CF 1/1,111-112).

» PhI, 6. * Cf. H-L 7, 895 ss.

read out at the beginning of the continuation of this synod¹, by which the pope, with the counsel and consent of the most reverend cardinals of the holy Roman church and with the approval of the prelates then in the curia, transferred the council to this city of Ferrara; also the letter of the declaration of the same, dated 30 December² immediately following the said translation; all of which this holy synod has ordered to be registered verbatim in its acts as a permanent record, as is contained in these same acts.

All these facts and many more have been duly pondered and maturely discussed in various meetings. This holy synod declares that the aforesaid translation and declaration were and are legitimate, just and reasonable, and were and are made from urgent necessity so as to remove an obstacle to the most holy union of the western and the eastern church, to prevent a schism already threatening in God's church, and for the manifest benefit of the whole Christian commonwealth; and that therefore this holy synod was legitimately assembled and established in the holy Spirit in this city of Ferrara for all the purposes for which the said former council of Basel was instituted at its beginning, and especially to be the future ecumenical council for the aforesaid most holy union; and that it ought to continue and to proceed to all the aforesaid matters. This holy synod therefore praises, accepts and approves the translation and the consequent declaration, as mentioned above. It exhorts in the Lord and requires of each and all of the present and future members of the holy synod to apply themselves to the above things with earnest care and serious study. By the generosity of him who *has begun in us a good work*³, may everything be directed and done for his glory and the salvation of the whole Christian people.

This holy synod further declares that, since the well known necessity of the above reasons demanded and impelled the said most holy lord Eugenius to that translation, the matter in no way falls within the decrees of the eighth, the eleventh or any other session of the former council of Basel.

It decrees that the assembly at Basel, and every other assembly which may perchance convene there or elsewhere under the name of a general council, rather is and ought to be considered a spurious gathering and conventicle, and can in no way exist with the authority of a general council.

It quashes, invalidates and annuls, and declares to be invalid, quashed, null and of no force or moment, each and all of the things done in the city of Basel in the name of a general council after the said translation, and whatever may be attempted there or elsewhere in the future in the name of a general council.

But if in the matter of the Bohemians something useful has been achieved by the said people assembled at Basel after the said translation⁴, it intends to approve that and supply for defects.

In order that each and all of the members of the holy synod may be kept safe

¹ On 8 January 1438 in the first session at Ferrara.

² 30 December 1437 (CF 1/1, 111-112).

³ Ph 1. 6. ⁴ See H-L 7, 895 ff.

gravamine tuta servantur, omnique timoris, molestie et iniurie suspicione remota, in bonis etiam operibus Deo secure deserviant; omnesque et singulos, qui quocumque nomine vel causa olim Basiliensi synodo super obligationibus aut vinculis quibuscumque se adstrinxerint iuramentis, quibus plena et libera facultas huic sancte synodo obediendi, et eius honorem et commodum prosequendi impediretur, vel scrupulus illis quocumque modo induceretur, ab illis absolvit, liberat atque relaxat, absolutosque ac liberos esse ac iniuramenta relaxata declarat.

Statuit etiam hec sancta synodus ordinat et decernit quod nemo, cuiuscumque status aut dignitatis existât, ordinaria quavis vel delegata nisi a sede apostolica jurisdictione ex quacumque causa vel occasione eos omnes vel eorum singulos, tam seculares quam religiosos etiam ordinum mendicantium, qui nunc in presenti synodo existant vel erunt in posterum, aut qui Romanam sequuntur curiam, cum inproximo ex sanctissimi domini Eugenii cum curia sua ad civitatem istam translatione indicta per affixionem cedularum, secundum ipsius curie antiquam consuetudinem, in ipsa synodo futuri sint, in eorum dignitatibus, officiis, administrationibus, privilegiis, honoribus, beneficiis bonisque aliis inquietare, molestare aut perturbare présumât.

Si qui vero, quocumque etiam quesito colore, directe vel indirecte, predictorum aliquem vel aliquos in dictis eorum dignitatibus, officiis, administrationibus, honoribus, privilegiis, beneficiis bonisque aliis turbare presumpserint, aut, ne jurisdictione, fructibus et eorum emolumentis, ut antea fecerunt, libere uti valeant, impediendo, aut dignitates, officia, administrationes, honores et beneficia ipsa, etiam cuiuscumque privationis causa vel colore quesitis, aliis conferendo; omnes et eorum singulos, etiamsi cardinali, patriarchali, archiepiscopali, vel episcopali vel quavis alia dignitate prefulgeant, aut capitula, collegia, conventus vel universitates fuerint, nulla alia monitione premissa, excommunicationis, suspensionis et interdicti sententias ipso facto intendit incurrere; quorum
30 absolutionem, nisi in mortis articulo, soli Romano pontifici reservat; decernens nihilominus, quod si infra tres dies, collationem vel collationes ipsos vel impedimenta predicta proxime sequentes, non resipuerint, illos, quorum dignitates, officia, administrationes, honores et beneficia
35 contulerint, vel quibus alias impedimenta, ut supra prestiterint, plenarie, ut prius fuerant, reintegrando, suis ecclesiis et beneficiis quibuscumque, sive illas aut illa in titulum, commendam seu administrationem habuerint; eos insuper omnes et singulos, qui dignitatum, officiorum, administrationum, honorum et beneficiorum predictorum collationes, etiam motu
<0 proprio factas, acceptare, aut possessionem per se vel per alios intrare aut ratas habere presumpserint; iure etiam, si quod in illis antea sibi competiisset, omnibusque aliis suis beneficiis, que in titulum, commendam vel administrationem tenuerint, ipso facto privatos, ad illa omniaque alia perpetuo inhabiles fore, et per solum Romanum pontificem restitui et
45 habilitari posse.

Monet insuper et requirit hec sancta sinodus omnes et singulos, qui in generalibus conciliis de iure et consuetudine interesse tenentur, qua-

from every annoyance and may serve God in good works without anxiety, free from all fear, harassment and injury, this holy synod absolves, frees and dispenses, and declares to be absolved and freed, and the oaths to be dispensed from, each and all of those who, under whatsoever plea or cause, bound themselves to the former synod of Basel by oaths, with obligations and commitments, whereby their full and free right to obey this present holy synod and to promote its honour and good might be impeded and they might have scruples of some kind.

This holy synod also ordains and decrees that nobody of whatsoever rank or dignity, by any ordinary or delegated jurisdiction for any cause or occasion, except by the jurisdiction of the apostolic see, shall dare to disturb, harass or molest, in their dignities, offices, administrations, privileges, honours, benefices and other goods, each and all of those, both seculars and religious, including members of mendicant orders, who are or shall be at this present synod, or who follow the Roman curia and will soon be at this synod on account of the move of the most holy lord Eugenius with his curia to this city, which has been announced by the posting up of notices in accordance with the ancient custom of the curia.

But if, under any pretext, directly or indirectly, any should presume to molest any of the said persons in their dignities, offices, administrations, honours, privileges, benefices or other goods, or to prevent them from freely enjoying their jurisdiction, fruits and emoluments as they did before, or to confer on others their dignities, offices, administrations, honours and benefices, on the plea of some deprivation, this holy synod intends that each and all of them, even if they are cardinals, patriarchs, archbishops, bishops or persons with some other dignity, or chapters, colleges, convents or universities, shall incur automatically and without the need for a previous warning sentences of excommunication, suspension and interdict, absolution from which is reserved to the Roman pontiff alone, except at the hour of death.

Moreover the synod decrees that those who do not repent within three days after making these conferrals or placing these obstacles, by fully restoring those whose dignities, offices, administrations, honours and benefices they conferred, or whom they impeded in other ways, as stated above, to all their churches and benefices as they held them before, whether they held them by title, in commendam or in administration; and also each and all of those who presume to accept collation to the aforesaid dignities, offices, administrations, honours and benefices, even if they were made *motu proprio*, or to take possession of them in person or through others, or to hold such action as valid; all these persons are automatically deprived by law, if they previously had any claim in them, of all their other benefices, whether they held them by title, in commendam or in administration, and they are rendered perpetually disqualified from them and all other benefices, and they can be restored and habilitated only by the Roman pontiff.

This holy synod, moreover, warns and requires each and all of those who are obliged by law or custom to take part in general councils, to come as soon as

tenus ad ipsam presentem Ferrariensem synodum, ut promittitur, continuandam, pro iis, de quibus supra dictum est, exequendis quamprimum se conferre procurent.

SESSIO IIP

15 febr. 1438

[Poenae ecclesiasticae contra synodales Basilienses]

Eugenius episcopus, servus servorum Dei, ad perpetuam rei memoriam, 5
Exposcit debitum pastoralis officii, cui divina favente clemencia, licet insufficientibus meritis, presidemus, ut nepharios malignorum excessus, illorum presertim, qui tranquillum ecclesie statum in varias periculosasque, nisi obvietur, procellas et perturbaciones impellere satagunt, et Petri naviculam operire moliuntur, oportunis remediis reprimamus, ac, 10
ne in sua malicia gloriantes, aliis occasionem malignandi prebeant, pro excessibus per eos commissis debite ulcionis penam infligamus. Nam, ut canonice continent sanctiones, in culpis, que multorum trahunt iacturam, culpa est relaxare vindictam.

Sane, cum in sacro olim Basiliensi concilio de loci electione pro futuro 15
ycumenico concilio ageretur, et per eos, ad quod potestas eligendi locum erat devoluta, factum esset decretum^{2*}, ipsumque ambassiatores carissimi in Christo filii nostri Iohannis imperatoris Grecorum et venerabilis fratris Ioseph patriarche Constantinopolitani ibidem existentes acceptassent, ac nonnullis Avinionem vel alium locum nominantibus, ad quem prefati 20
oratores nullo modo ire velle protestabantur, asserentes pro certo prefatos imperatorem et patriarcham ad dictum concilium, nisi personaliter interessemus, nullatenus accessuros,

predicti, qui Avinionem petebant, veriti Greco ipsos ad eos nequaquam 25
ituros, quoddam decretum sive libellum famosum, quod monitorium w
appellant⁸, adversus nos, licet nulliter et de facto in grave scandalum et scissuram ecclesie in tanque sancti operis, unionis videlicet Grecorum, perturbacionem conflare ausi sunt;

nos pro unitate ecclesie conservanda et dicta unione Grecorum con-
sequenda, predictum Basiliense concilium ex iustis, rationabilibus, 30
necessariis ac urgentibus causis, de consilio et assensu venerabilium fratrum nostrorum, sancte Romane ecclesie cardinalium, quamplurimis venerabilibus fratribus nostris archiepiscopis, episcopis et dilectis filiis

¹ In praeparatoria congregatione diei 10 febr. lecta erant etiam *Avisamenta de modo consedendi in hoc sacro concilio*, sed eorum argumentum postea in decreto huius sessionis resumptum non est: ea vero legis vim habuerunt (CF 3/2,14-16). In eadem congregatione, probabiliter decreta est suffragii ferendi ratio, qua patres in tribus classibus distincti sunt: in prima earum cardinales, patriarchae, archiepiscopi et episcopi, in altera abbates et religiosorum ordinum praepositi generales, in tertia capitulorum cathedralium praepositi et graduati in theologia, iure canonico vel civili (CF 6,256-257, cf. Gill 97).

* Vide supra pp. 510-512,23.

⁷ Decretum XXVI sessionis Basileensis (Msi 29,137-141).

possible to this present synod at Ferrara, which will continue, as noted above, for the speedy attainment of the aforesaid purposes.

SESSION 3'

15 February 1438

[Ecclesiastical penalties against members of the Basel synod]

Eugenius, bishop, servant of the servants of God, for an everlasting record. The duties of the pastoral office over which we preside by divine mercy, despite our lack of merit, demand that we repress by opportune remedies the nefarious excesses of evil-minded persons, especially those who, unless prevented, strive to force the peaceful state of the church into various dangerous storms and disturbances and who endeavour to overturn the barque of Peter, and that we inflict due retribution for their excesses, lest boasting of their malice they give occasion to others to commit mischief. For it is a crime to be slack in punishing crimes that harm many people, as canonical regulations state.

Thus, the former council of Basel debated the choice of a place for the future ecumenical council. Those on whom the power of choosing the place devolved, passed a decree² which was accepted by the ambassadors of our most dear son in Christ John, emperor of the Greeks, and of our venerable brother Joseph, patriarch of Constantinople. Some persons chose Avignon or another place, but the said ambassadors protested that most assuredly they did not want to go there, declaring as certain that the said emperor and patriarch would by no means go to the said sacred council unless we attended in person.

Those who asked for Avignon, afraid that the Greeks certainly would not come to them, dared to concoct a certain decree or notorious pamphlet, which they call a monition³, against us, even though it is null and indeed leads to serious scandal and a split in the church, disrupting this holy work of union with the Greeks.

In order to preserve the unity of the church and to promote the said union with the Greeks, we, for just, necessary and pressing reasons, with the advice and assent of our venerable brothers the cardinals of the holy Roman church, and with the advice and approval of very many of our venerable brothers the archbishops, bishops, beloved chosen sons and abbots who were present at the

¹ In a preparatory congregation on 10 February there were read out: *Rules for seating in this saved council*. These rules were not repeated in the decree of this session but they had the force of law (CF 3/2, 14-16). In the same congregation there was probably decreed the method of voting whereby the fathers were divided into three estates: the first containing cardinals, patriarchs, archbishops and bishops; the second, abbots and heads of religious orders; the third, heads of cathedral chapters and graduates in theology, canon law or civil law (CF 6, 256-257, see Gill 97).

² See above pp. 510-512.

³ Decree of 26th session at Basel (Msi 29, 137-141).

electis et abbatibus apud sanctam sedem apostolicam existentibus id laudantibus et consulentibus, ad civitatem Ferrariensem et Grecis et nobis accomodam, sub certis modo et forma, ut illi a tam scandaloso processu merito resipiscerent, apostolica auctoritate transtulimus, prout in litteris
s superinde confectis latius continetur¹.*

Ipsi vero, omnem viam pacis spernentes' et in suo obstinato proposito perseverantes et litteras dicte translacionis ac omnia in eis contenta parvipendentes, ac mala malis cumulantes, non solum rationabilem translacionem nostram ex predictis iustissimis et urgentissimis causis, ut
io premittitur, factam non acceptarunt, sed, ut infra certum tempus et sub suspensionis pena predictam translacionem revocaremus, monere iterata temeritate sunt ausi. Quod quidem nil aliud erat, quam ut tam sancti operis tamque christianis omnibus optabilis prosecucionem deserere cogeremur.

Hiis non sine animi nostri displicentia intellectis, cum ea omnia non solum in destructionem tam sancti operis, sed in manifestam ecclesie scissuram, ut premittitur, tendere videremus, translacionem per nos tam necessario factam et condiciones in illa appositas purificatas fuisse ac
20 ipsum Ferrariense concilium inchoari ac legitimam prosecucionem haberi debere, prout in aliis nostris litteris³ plenius continetur, declaravimus;

ad illudque inchoandum dilectum filium nostrum Nicolaum, tituli sancte Crucis, sancte Romane ecclesie presbyterum cardinalem, nostrum ac apostolice sedis legatum destinavimus⁴.

Quod quidem in non parvo prelatorum numero legitime congregatum, as in publica sessione, translacionem et declaracionem predictas, legitimas, iustas ac rationabiles, ac urgenti necessitate ad tollendum impedimentum pcfate sanctissime unionis occidentalis et orientalis ecclesie, ac eciam ad evitandam scissuram in Dei ecclesia nunc imminentem pro evidenti utilitate tocius reipublice christiane fuisse et esse factas, solenniter
so declaravit, prout ex serie decreti superinde confecti liquido constat⁴.

Interea, cerciores facti predictos imperatorem, patriarcham et Grecos littoribus Italie appropinquare, ad hoc ipsum sacrum Ferrariense concilium Deo duce ea intencione et firmo proposito venimus, ut non solum hoc sancte unionis opus, sed ad illa etiam, propter que concilium Basilee
35 fuerat congregatum, realiter et cum effectum, adiuvante Domino prosequeremur.

Ad que etiam advertens dilectus filius noster Iulianus, tituli sancte Sabine presbyter cardinalis, apostolice sedis legatus⁵, cum predictos, ut a tam manifestis scandalis abstinerent, multis validissimis rationibus
«0 hortaretur, et pro eorum obstinata mente nullatenus exaudiretur, sed eos magis ad illa scandala in Dei ecclesia perpetranda paratos aspiceret, ne illorum impietati assistere videretur, inde discessit.

Illi vero neque id considerantes, et nescientes in semitis pacis et iusticie

¹ Bulla *Dottoris gentium* (CF 1/1,91-99). * Cf. Ps 13, 3; Rm 3,17.

³ Bulla *Pridem ex iustis* (CF 1/1,111-112).

⁴ Cf. supra pp. 514, 4 - 517, 3. ⁴ Card. Iulianus Cesarini (1398[?]-1444).

apostolic see, translated the said council of Basel, by our apostolic authority and in a fixed manner and form, to the city of Ferrara, which is suitable for the Greeks and for us, so that those at Basel might duly recoil from their scandalous actions, as is contained at greater length in the letter composed for the occasion¹.

But they, spurning every avenue of peace², persevering in their obstinate purpose, scorning the letter of the said translation and everything contained in it, and piling evil upon evil, not only rejected our reasonable translation made for the said most just and urgent reasons, as stated above, but even dared with renewed obstinacy to warn us to withdraw the said translation within a fixed time and under pain of suspension. Yet this would have been nothing less than to force us to abandon the prosecution of such a holy work so much desired by all Christians.

When we realized this, with grief of heart, since we saw that everything tended to the destruction of the holy task of union and to an open split in the church, as was said above, we declared that the translation had been made by us from necessity, that the conditions attached to it had been regularized, and that the council at Ferrara ought to begin and legitimately continue, as is stated more fully in another letter of ours³.

To open this council at Ferrara we sent our beloved son Nicholas, cardinal-priest of the holy Roman church of the title of holy Cross, legate of us and the apostolic see⁴.

This council at Ferrara, legitimately assembled and with many prelates, solemnly declared in a public session that the said translation and declaration were and are legitimate, just and reasonable, and were made from urgent necessity so as to remove an obstacle to the said most holy union between the western and the eastern church and to avoid an impending split in God's church, for the evident benefit of the whole Christian commonwealth, as is crystal clear from the decree made about it⁴.

Meanwhile, informed that the aforesaid emperor, patriarch and Greeks were approaching the shores of Italy, under God's guidance we came to this council at Ferrara with the firm intention and purpose of effectively pursuing, with God's help, not only the work of holy union but also the objectives for which the council of Basel had assembled.

In view of all this, our beloved son Julian, cardinal-priest of the title of St Sabina, legate of the apostolic see⁵, strongly urged the aforesaid people at Basel to withdraw from such flagrant scandals. But because of their obstinacy of mind, he was without effect. Then, seeing them ready to precipitate still worse scandals in God's church, he departed so as not to appear to approve their impiety.

They, for their part, paid no attention to this. Ignorant of how to direct their

¹ Bull *Doctoris gentium* (CF 1/1, 91-99). ² See Ps 13, 3; Rm 3, 17.

³ Bull *Pridem ex iustis* (CF 1/1, 111-112).

⁴ See above pp. 514-517. ⁵ Cardinal Julian Cesarini (1398?-1444).

dirigere gressus suos¹, iamque ccrciores effecti Grecos nullatenus ad eos accedere velle ac littoribus Italie appropinquare, in sua cordis duricia perseverantes, cum dictam Grecorum unionem, pro qua nobiscum totis viribus, ingenio et industria laborare ac nobis assistere debuissent, aliter impedire et disturbare nequirent, peiora peioribus adiicientes, ad tantum 5 temeritatis et audacie sunt progressi, ut nos a papali administracione suspensos esse, plurimis regum et principum oratoribus, qui Basilee erant, tam nephandum scelus execrantibus et in contrarium protestantibus, ausu sacrilego declarare et ad alia plura, licet nulliter, et de facto procedere presumpserint. 10

Nos igitur, attendentes excessus eorum adeo notorios esse, ut non possint aliqua tergiversacione celari, quodque error, cui non resistitur, approbari videtur, et latum pandit delinquentibus sinum, qui eorum conatibus non resistit, ac nequeunt absque gravi offensa domini nostri Ihesu Christi et ecclesie sue sancte tot et tantos excessus, qui presertim 15 sanctam et optatissimam unionem Grecorum impedire, disturbare et penitus tollere videantur ulterius tolerare, adversus prefatos in Basilea existentes, hoc sancto approbante concilio, in virtute Altissimi decernimus, iusticia mediante, quantum oporteat procedendum.

Quapropter matura deliberacione cum hac sancta synodo prehabita, 20 omnes et singulos Basilee, sub pretensi concilii nomine, quod verius conventiculum dici debet, contra translacionem et declaracionem predictas convenientes, ac tam scandalosa et nepharia presumentes, eciam si cardinalatu, patriarchal!, archiépisopal!, episcopali, abbaciali, aut alia quavis dignitate ecclesiastica vel seculari prefulgeant, penas excommuni- 25 cationis, privationis dignitatum, beneficiorum et officiorum inhabilitacionis ad futura, in dictis nostris litteris translacionis contentas, hoc sacro approbante concilio, indidisse decernimus et declaramus.

Decernentes insuper et declarantes irritum et inane ac nullis roboris vel momenti, quicquid per eos tam circa predicta quam contra curiam 30 nostram sequentes vel in sacro Ferrariensi concilio existentes, a die translacionis per nos facte, sub nomine condlii vel alias attemptatum fuerit vel in posterum quomodolibet contigerit attemptari.

Mandantes preterea, ipso eciam approbante concilio, sub dictis penis et censuris, et in virtute prestiti iuramenti, quo sancte sedi apostolice 35 tenentur astricti, omnibus et singulis cardinalibus, patriarchis, archiepiscopis, episcopis, electis et abbatibus et ceteris cuiuscunque condidonis, status et gradus existant, in dicta civitate Basiliensi sub prefato pretexto concilii convenientibus, quatinus infra triginta dies a die dati huius decreti debeant realiter et cum effectum ab ipsa civitate recessisse, 40

predpientes quoque magistro civium, consulibus, scabinis, civitatem Basiliensem regentibus et gubernatoribus ceterisque officialibus, quocunque nomine censeantur, quatinus infra predictum triginta dierum terminum predictos non recedentes a civitate prefata expellant et a se realiter et cum effectum abidant. 45

¹ Cf. Ps 13,3; Lc 1,79.

steps in the way of peace and justice¹, although they were already aware that the Greeks were utterly unwilling to come to them and were approaching the shores of Italy, they persevered in their hardness of heart. Since they could in no other way prevent and disrupt the union with the Greeks, for which they should have been labouring with us with all their strength and mind and assisting us, they added bad to worse and went to such a pitch of rashness and insolence that, even though many of the envoys of kings and princes who were at Basel execrated so wicked a deed and protested against it, they dared to declare with sacrilegious arrogance that we were suspended from the administration of the papacy and to proceed to various other things, albeit everything was null.

So we, conscious that their excesses are so notorious that they cannot be hidden by any subterfuge, and that error that is not resisted appears to be approved and throws wide open to delinquents a door that no longer guards against their intrusions, and unable without grave offence to our lord Jesus Christ and his holy church to tolerate further so many grievous excesses which are seen especially to impede, disrupt and utterly destroy the holy and most desired union with the Greeks, we decree against the aforesaid remnant at Basel, in virtue of the most High and with the approval of this holy council, the steps that should be taken with justice.

Hence we decree and declare, after mature deliberation with this holy synod and with its approval, that each and all of those meeting in Basel, in spite of the aforesaid translation and declaration, under the pretended name of a council, which more accurately should be called a conventicle, and daring to perpetrate such scandalous and nefarious deeds, whether they are cardinals, patriarchs, archbishops, bishops or abbots or of some other ecclesiastical or secular dignity, have already incurred the penalties instanced in our said letter of translation, namely excommunication, privation of dignities and disqualification from benefices and offices in the future.

We also decree and declare to be null and void and of no force or moment, whatever has been attempted by them in the name of a council or otherwise since the day of the translation made by us, or shall be attempted in the future, in respect of the aforesaid matters or against those who follow our curia or are at this sacred council at Ferrara.

We also command, with the approval of this council, under the same penalties and censures and in virtue of their oath by which they are bound to the holy apostolic see, each and all of the cardinals, patriarchs, archbishops, bishops, elected persons, abbots and all others of whatsoever condition, status or rank who are meeting in the said city of Basel under the pretext of a council, really and effectively to leave the said city within thirty days of the date of this decree.

We also order the mayor of the citizens, the councillors and the magistrates ruling the city of Basel and the governors and other officials, whatever name they go under, to expel the aforesaid persons who have not left the city within the said thirty days and really and effectively to eject them.

¹ See Ps 13, 3; Lk 1, 79.

Quod si infra predictum terminum facere omiserint, omnes et singulos regentes et officiales predictos excommunicationis, populum vero et civitatem prefatos ecclesiastici interdicti sententias incurrere decernimus ipso facto; quorum absolucionem, nisi in mortis articulo, interdicti vero
5 relaxacionem nobis specialiter reservamus.

Omnibus et singulis, ad quorum noticiam hec pervenerint, in virtute sancte obediencie et sub excommunicationis pena precipimus et mandamus, ut, si predicti in Basilea convenientes civesque ipsi nobis non obedientes fuerint contumaces, nullus post dictum terminum ad dictam
10 civitatem Basiliensem accedat, sed ipsis denegent mercimonia et cuncta ad usum hominum necessaria.

Mercatores quoque, qui causa dicti olim concilii ibi convenerunt, cuiuscunque condicionis existant, sub eadem excommunicationis pena inde omnino discedant.

15 Si qui vero hec nostra mandata contempserint, elapso dicto termino Basiliensibus in contumacia persistentibus aliqua forsan portare presumes, cum scriptum sit: *iusti tulerunt spolia impiorum*¹, possint tales huiusmodi bonis a quibuscunque christifidelibus impune spoliari, bona-
que ipsa prius capiendum dominio cedant.

20 Verumtamen, quia redeuntibus gremium suum nunquam claudit ecclesia; si predicti in Basilea convenientes vel ipsorum aliqui infra predictum terminum triginta dierum a die date presencium, ut premit-
tur, ad cor redierint, et a dicta civitate recesserint, predictas penas quoad obedientes, predicto sacro concilio approbante, remittimus et plenarie
25 relaxamus, easque pro infectis ab earum data, et quecumque inde secuta haberi volumus, decernimus et mandamus, supplentes, prefato appro-
bante concilio, omnes defectus, si qui forsan ex solennitate iuris in premissis vel ex omissione aliqua intervenissent. Nulli ergo ... Si quis
autem ...

SESSIO IV²

9 apr. 1438

30 [Eugenius IV et synodales Ferrarienses declarant concilium
Ferrariense esse legitimum et oecumenicum]

<p>Εὐγένιο ἐπίσκοπο δούλο τῶν δού- λων τοῦ θεοῦ εἰ ἀίδιον τοῦ πράγματο μνήμην. Μεγάλα τῷ παντοδυνάμῳ 35 Θεῷ εὐχαριστῆσαι ἡμᾶ ὡ ἀληθῶ προσηκεΓ δ τῶν ἀρχαίων αὐτοῦ οἰκτιρμῶν οὐκ ἀμνημονεύων, τὴν ἑαυτοῦ ἐκκλησίαν γονιμωτέραι ἀεὶ προκοπαῖ προβιβάζει. Ταύτην γὰρ 40 εἰ καὶ χεῖμάζεσθαι τῇ τῶν πειρασ- μῶν καὶ θλίψεων ζάλη ἐσθ' ὅτε ἀφίη-</p>	<p>Eugenius episcopus, servus servo- rum Dei, ad perpetuam rei memo- riam. Magnas omnipotenti Deo gratias referre, nos convenit, qui antique miserationis sue non imme- mor ecclesiam suam fecundioribus semper cumulat incrementis et, licet hanc iactari interdum temptationum ac pressurarum fluctibus sinat, nun- quam tamen patitur mergi, sed inter</p>
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¹ Sap 10, 19.

* Haec fuit prima sollemnis sessio cui Graeci quoque interfuerunt.

If they fail to do this within the said thirty days, we decree that each and all of the said rulers and officials automatically incur sentence of excommunication, and the people and the city automatically incur sentence of ecclesiastical interdict; we specially reserve to ourself absolution from the sentences of excommunication, except at the hour of death, and the lifting of the interdict.

We order and command, in virtue of holy obedience and under pain of excommunication, each and all of those to whom this notice shall come that, if the aforesaid persons meeting in Basel and the citizens are obstinately disobedient towards us, nobody should approach the city of Basel after the said thirty days and they should deny them all commerce and all articles needed for human use.

Merchants of all kinds, who have gone to Basel on account of the former council, shall depart under the same pain of excommunication.

If there are some who ignore these orders of ours, daring perhaps to convey goods after the time-limit to those at Basel persisting in contumacy, since it is written that *the righteous plundered the ungodly*¹ such persons may be despoiled without penalty by any of the faithful and their goods shall be ceded to the first takers.

However, because the church never closes its bosom to returning sons, if the said people meeting in Basel, or some of them, repent and depart from the said city within the said interval of thirty days from the date of this present decree, then with the approval of this sacred council we remit and fully cancel the aforesaid penalties as for obedient sons and we wish, decree and order that they and their consequences are to be regarded as without force from the date of their imposition, and we supply with the council's approval for all defects, if perhaps there are any in respect of solemnity of the law or of omission. Let nobody therefore ... If anyone however ...

SESSION 42

9 April 1438

[Eugenius IV and the fathers of the council at Ferrara declare the council at Ferrara to be legitimate and ecumenical]

Eugenius, bishop, servant of the servants of God, for an everlasting record. It befits us to render thanks to almighty God who, mindful of his past mercies, always bestows on his church even richer growth and, although he allows her to be tossed on occasions by the waves of trials and tribulations, yet never permits her to be submerged but keeps her safe amid the mountainous waters, so that by

¹ Wis 10, 19.

² This was the first solemn session in which the Greeks took part.

σιν, ἀλλ' οὐποτ' *ἐί* καταβυθίζεσθαι, κορυφουμένων δέ τών κυμάτων, ἀβλαβή αὐτήν διατηρεῖ, παρασκευάζει τε τή ἀφάτω αὐτοῦ φιλανθρωπία, ἐκείνην ἐν ταῖ πολλὰ καὶ ποικίλαι περιστάσεσιν ἀκμάζουσιν μάλλον διαπαντὸ καὶ ἰσχυροτέραν φανήναι.

Ἴδοῦ γὰρ οἱ δυτικοὶ καὶ ἀνατολικοὶ δῆμοι, ἀλλήλων ἐκπαλαί διεσχοινισμένοι, εἰ μίαν ἐνώσεω καὶ εἰρήνην χάριν συνδραμεῖν σπεύδουσιν οἱ δὴ τω σφά αὐτοῦ χρονία ἀπ' ἀλλήλων κεχωρῖσθαι διχονοία, ἡσχαλον ὡ εἰκό· μετὰ πολλοῦ οὐν αἰώνα, αὐτοῦ δήπου χορηγοῦντο, ἐξ οὗ πάσα δόσι ἀγαθή¹, τή τή ἀγία ἐνώσεω ἐφέσει, εἰ τουτονὶ συνήλθον τὸν τόπον.

Τή ἡμετέρα τοίνυν ὑπηρεσία καὶ ἀπάση τή ἐκκλησία ἔργον ἐστὶ τε καὶ εἶναι νοοῦμεν, τὸ πάση δυνάμει πειράσθαι ὥσάν τὰ οὕτω εὐτυχῆ προοίμια, ἀδιαλείπτω σπουδῇ τήν τε προχώρησιν καὶ τὴν ἐκβασιν εὐδαίμονα δέξηται, ἵνα συνεργοὶ τῇ τοῦ Θεοῦ χάριτι εἶναι τε καὶ λέγεσθαι ἀξιωθώμεν.

Ὁ τοίνυν ποθεινότατο υἱὸ Ἰωάννη ὁ Παλαιολόγο τών Ῥωμαίων βασιλεὺς ἀμα τω θεοσεβεστάτῳ ἀδελφῳ Ἰωσήφ τῳ Κωνσταντινουπόλεω πατριάρχῃ καὶ τοῖ τών λοιπών πατριαρχικῶν θρόνων τοποτηρηταῖ μεγίστη τε ἀρχιεπισκόπων καὶ ἐκκλησιαστικῶν ἀνδρῶν καὶ ἀρχόντων συνοδία, τῇ ὀγδοῇ τοῦ φεβρουαρίου μηνὸ τοῦ ἀρτι παρεληλυθότο, εἰ τὰ Βενετία ἡγουν εἰ τὸν ἐσχατον λιμένα κατήρεν· ὅπου γε, ὡ πολλὰκι καὶ πρό τοῦ ἐτύγχανε πεποιηκῶ, ἀπὸ εὐλόγων αἰτιῶν, εἰ τὴν Βασιλείαν κατὰ συγκρότησιν τῇ οἰκουμένη συνόδου μὴ δύνασθαι ὑπάγειν², ἀναφανδὸν ἐδήλωσεν καὶ τοῦτο τοῖ ἐν

undarum moles inviolabilem servat facitque ineffabili clementia sua, ut inter angustias varias robustior illa semper assurgat.

Ecce enim occidentales et orientales populi diu ab invicem separati unum concordie et unitatis fedus ^{io} inire festinant, et qui a seipsis longo se dissidio avulsos, ut equum erat, moleste ferebant, post multa tandem secula ipso utique auctore, a *quo omni datum optimum*¹ provenit, ¹⁵ sancte unionis desiderio corporaliter hoc in loco conveniunt.

Nostrum autem et totius ecclesie munus est et esse intelligimus, viribus omnibus eniti, ut hec felicia ²⁰ cepta iugi sollicitudine felicem progressum exitumque consequantur, ut cooperatores Dei et esse et dici mereamur.

Denique carissimus filius noster Iohannes Paleologus Romeorum imperator unacum venerabili fratre Ioseph Constantinopolitano patri- ³⁰ archa et aliarum patriarchalium sedium apocrisiariis magnaue cum archiepiscoporum et ecclesiasticorum nobiliumque multitudine, octava february mensis proxime pre- ³⁵ teriti Venetias ad ultimum scilicet applicuit portum, ubi, sicut antea sepius fecerat, Basileam iustis ex causis ratione ycumenici seu uni- ⁴⁰ versalis concilii celebrandi se ire non posse patenter expressit idque Basilee congregatis per litteras intimavit², exhortans ac requirens om-

¹ Ic 1,17.

* Epistola Iohannis VIII Palaeologi imperatoris ad principes electores Germaniae 25 febr. 1438 scripta (*Deutsche Reichstagsakien* 13/1,191-193).

his mercy she emerges from the various vicissitudes even stronger than before.

For behold, the western and eastern peoples, who have been separated for long, hasten to enter into a pact of harmony and unity; and those who were justly distressed at the long dissension that kept them apart, at last after many centuries, under the impulse of him *from whom every good gift*['] comes, meet together in person in this place out of desire for holy union.

We are aware that it is our duty and the duty of the whole church to strain every nerve to ensure that these happy initiatives make progress and have issue through our common care, so that we may deserve to be and to be called co-operators with God.

Finally, our most dear son John Palaeologus, emperor of the Romans, together with our venerable brother Joseph, patriarch of Constantinople, the apocrisiaries of the other patriarchal sees and a great multitude of archbishops, ecclesiastics and nobles arrived at their last port, Venice, on 8 February last. There, the said emperor expressly declared, as he had often done before, that for good reasons he could not go to Basel to celebrate the ecumenical or universal council, and he intimated this by a letter to those assembled at Basel. He exhorted and required all of them to go to Ferrara, which had been chosen for

['] Jas 1, 17.

Letter of Emperor John VIII Palaeologus to the prince-electors of Germany, written on 25 February 1438 (*Deutsche Reichstagsakten* 13/1, 191-193).

Βασιλεία διὰ γραμμάτων ἐνέφηνε πα-
 ρακελευόμενον καὶ ἐκζητῶν ἅπαντα ,
 ὅπως εἰ τὴν Φερραρίαν τὴν πρὸ
 τὴν τῇ τοιᾷσδε συνόδου συγκρότησιν
 s ἐκλεχθεῖσαν, διὰ τὴν τελείωσιν τοῦ
 τοιοῦτου ἔργου οὕτως εὐσεβοῦ μετα-
 ναστώσιν. Ἡμεῖς οὖν οἱ τὴν ἱερωτά-
 την ταύτην ἔνωσιν ἐν μέσῃ καρδίᾳ
 διαπαντὸ φέροντες , κάκεινεν δι-
 io πλείστη σπουδὴ συντελεῖσθαι ἐφιέμε-
 νοι, τὸ δεκρὲτον τῇ ἐν Βασιλείᾳ συνό-
 δου μέτ' αὐτῶν συμφωνηθέν τῶν
 γραικῶν, καὶ τὴν ἐκλογὴν τοῦ τόπου
 ὑπὲρ τῇ ἀθροίσει τῇ οἰκουμενικῇ
 n συνόδου ἐν τῇ αὐτῇ τῶν ἐν τῇ Βασι-
 λείᾳ συνόδῳ γενομένην, καὶ δι' ἡμῶν
 ὑστερον ἐν τῇ Βονονίᾳ ἐγκειμένην, καὶ
 αὐτῶν, τοῦ τε βασιλέως καὶ πατριάρ-
 χου πρέσβεων βεβαιωθεῖσαν, τὰ τε
 so ἄλλα ὅσα πρὸ τῇ ἁγίᾳ ἐνώσει
 ἔργον συντείνουσιν, ὡς ἐκ τῇ ἡμε-
 τέρα ὑπηρεσίᾳ ὀφείλομεν προβιβά-
 ζειν, καὶ εἰ πέρα ἀγαγεῖν προθυ-
 μούμεθα.

25 Παντὶ γοῦν τρόπῳ καὶ τύπῳ, ὡς ἐνι
 μάλιστα, ἀποφαινομεν καὶ δηλοποι-
 οῦμεν, προστεθείσῃ τῇ συναινέσει
 τῶν εἰρημένων, βασιλέως τε καὶ πα-
 τριάρχου, καὶ πάντων τῶν ἐν τῇ πα-
 30 ρούσῃ παρεληλυθότων συνόδῳ, τὴν
 ἱεράν οἰκουμενικὴν σύνοδον εἶναι ἐν
 ταύτῃ τῇ πόλει τῇ Φερραρίᾳ τῇ
 πᾶσιν ἐλευθέρα καὶ ἀσφαλεῖ, τὴν τε
 εἰρημένην σύνοδον οὕτως ὑπὸ πάντων
 35 χρήναι νομίζεσθαι τε καὶ ὀνομάζε-
 σθαι ἐνθα δὶχα τινὸς ἐριστικῆς φιλο-
 νεικίας ἢ ἰσχυρογνωμοσύνης , ἄλλα
 μετὰ πάσῃ ἀγάπῃ τὴν ἱεράν τῇ
 ἐνώσει μεταχειρίζεσθαι πραγματεί-
 40 αν, Θεοῦ δὲ ἰλεω γινομένου, εὐτυχῶς
 αὐτὴν ἐλπίζομεν τελεσθῆσεσθαι μετὰ
 τῶν λοιπῶν ἁγίων ἔργων, πρὸ ἧς ἡ
 σύνοδος αὕτη συγκεκρότηται.

nes, uti Ferrariam ad huiusmodi
 concilium celebrandum electam pro
 peragendo tam pio sanctissime
 huius unionis opere sese trans-
 ferrent.

Nos itaque, quibus hec sacra-
 tissima unio cordi semper fuit, qui-
 que hanc summo studio perfici cu-
 pimus, decretum Basiliensis concilii
 cum Grecis ipsis conventum elec-
 tionemque loci pro ycumenico cele-
 brando concilio in Basiliensi synodo
 factam ac per nos postea Bononie
 instantibus etiam ipsorum impera-
 toris et patriarche nuntiis confir-
 matam et queque alia ad ipsum sanc-
 te unionis opus spectantia, ut est
 officii et debiti nostri, exequi dili-
 genter intendimus.

Omni igitur modo et forma, qui-
 bus melius possumus, decernimus
 et declaramus, accedente consensu
 dictorum imperatoris et patriarche
 omniumque in presenti existentium
 synodo, sacram esse universalem
 seu ycumenicam synodum in hac
 Ferrariensi civitate omnibus libera
 et segura, sicque dictam synodum
 ab omnibus reputari et appellari de-
 bere, in qua sine ulla rixosa conten-
 tione et pertinacia atque cum omni
 caritate sacrum hoc unionis nego-
 tium tractandum et Deo propitio, ut
 speramus, felici fine claudendum est
 unacum sanctis operibus reliquis,
 ad que peragenda synodus ista no-
 scitur instituta.

the council, to carry through the pious task of this holy union.

We have always had this holy union close to our heart and have sought with all our strength to bring it about. Therefore we intend to carry out with care, as is our duty, the decree of the council of Basel, to which the Greeks agreed, as well as the choice of a place for the ecumenical council, which was made at the council of Basel and which was later confirmed by us at Bologna at the urging of the envoys of the said emperor and patriarch, and any other things pertaining to this work of holy union.

Therefore we decree and declare, in every way and form as best we can, with the assent of the said emperor and patriarch and of all those in the present synod, that there exists a holy universal or ecumenical synod in this city of Ferrara, which is free and safe for all; and therefore it should be deemed and called such a synod by all, in which this holy business of union will be conducted without any quarrelsome contention but with all charity and, as we hope, will be brought by divine favour to a happy conclusion together with the other holy tasks for which the synod is known to have been instituted.

SESSIO VI

10 ian. 1439

[Decretum translationis concilii Ferrariensis Florentiam]

Eugenius episcopus, servus servorum Dei, ad perpetuam rei memoriam. Decet ycumenici concilii locum, ad quem viri electi ex toto Christiano orbe conveniunt, talem esse, in quo inter alia hominibus necessaria hoc potissimum sit aeris salubritas, ne ob aeris infecti contagionem pestiferam, s quam cuncti naturaliter metuunt et fugiunt, hii, qui in concilio présentés sunt, abire inde re infecta compellantur, absentes vero illuc accedere recusent. Expedit profecto eos, qui ad res arduas in synodis pertractandas confluunt, omni alia cura omnique timore vacuos esse, ut rebus publicis quiecuis liberiorque intendant. io

Optavissemus quidem ipsum universale concilium, quod in hac inchoavimus civitate, apud eandem continuare et in ea perfectam orientalis et occidentalis ecclesiarum unionem consummare feliciter et ibi finem optatum imponere, ubi initium dedimus, et quamquam, cum pestis proximo autumno hanc urbem affligeret, a plerisque instancia is fieret, ut synodus ipsa ad locum transferretur non infectum; quia tamen, sicut assolet, adveniente hyeme illam prorsus cessare sperabatur, usque ad hunc diem dilatum exstitit.

Cum vero illa in dies perseveret, timeaturque verisimiliter proximo vere atque estate vehemencius invalescere, omnes iudi t consuluntque 20 non modo utile, sed necessarium fore, ut ad alium hoc morbo liberum confestim migrandum sit locum; quocirca ex hac et aliis nonnullis rationabilibus causis, consencientibus carissimo filio nostro Ioanne Paleologo Romeorum imperatore ac venerabili fratre nostro Ioseph patriarcha Constantinopolitano, sacro approbante concilio,

ipsam ycumenicam seu universalem synodum ab hac civitate Ferrariensi ad civitatem Florentinam omnibus manifeste liberam, securam, pacificam et quietam aërisque salubritate letantem, et ad quam inter Tirrenum Adriaticumque mare optime situm ab orientalibus et occidentalibus com- 30 mode accedi potest, harum serie in nomine Trinitatis, Patris et Filii et Spiritus sancti ex nunc transferimus et translatam esse decernimus cum hiis plenis securitatibus et salvis conductibus, quos initio sacri concilii cunctis prebuimus. Nulli ergo ... Si quis autem ...

SESSIO VI

6 iul. 1439

[Definitio sanctae oecumenicae synodi Florentinae]

Εὐγένιο ἐπίσκοπο δούλο των δού- Eugenius episcopus, servus servo- »5 λων τοῦ Θεοῦ εἰ ἄϊδιον τοῦ πράγμα- rum Dei, ad perpetuam rei memo- το μνήμην. Συναινούντο τοῖ ὑπο- riam. Consentiente ad infrascripta

1 Haec est sessio prima Florentiae celebrata.

SESSION 5¹

10 January 1439

[Decree translating the council of Ferrara to Florence]

Eugenius, bishop, servant of the servants of God, for an everlasting record. It is fitting that the site of an ecumenical council, in which men chosen from the whole Christian world meet together, should be such that in it, among other human necessities, there should be the most important of all, namely healthy air. Otherwise, because of the pest-laden contagion of infected air which all people naturally fear and flee, those present at the council may be forced to depart with nothing accomplished and the absent will refuse to attend. Assuredly it is right that those who come together at synods to treat of difficult questions should be free from every anxiety and fear, so that they may be able in greater peace and freedom to give their attention to the matters of public concern.

We would, indeed, have preferred that the universal council which we initiated in this city should continue here, and that the union of the eastern and western churches should be brought to its happy and desired conclusion in this city, where we initiated it. When the plague afflicted this city last autumn, pressure was exerted by some for the transferral of the synod to a non-infected locality. Nothing was done, however, because it was hoped that the plague would cease with the advent of winter, as it usually does.

Since in fact the plague continues from day to day and it is feared that it will gain strength when spring and summer come, all judge and advise that a move must be made without delay to some non-infected place. For this and several other good reasons, with the agreement of our dear son John Palaeologus, emperor of the Romans, and of our venerable brother Joseph, patriarch of Constantinople, and with the approval of the council:

In the name of the Trinity, Father, Son and holy Spirit, with the full securities and safe-conducts which we gave to all at the beginning of the sacred council, we transfer and declare to be transferred as from now this ecumenical or universal synod from this city of Ferrara to the city of Florence, which is manifestly free for all, safe, peaceful and tranquil, and enjoying healthy air, and which, situated as it is between the Tyrrhenian and Adriatic seas, is excellently situated for easy access for both easterners and westerners. Let nobody therefore ... If anyone however ...

SESSION 6

6 July 1439

[Definition of the holy ecumenical synod of Florence]

Eugenius, bishop, servant of the servants of God, for an everlasting record. With the agreement of our most dear son John Palaeologus, illustrious emperor of the

¹ This was the first session at Florence.

γεγραμμένοι του ποθεινότατου υιού
 ήμών Ἰωάννου Παλαιολόγου του πε-
 ριφανοῦ βασιλέω τών Ῥωμαίων,
 καί τών τοποτηρητῶν τών σεβασμίων
 5 αδελφών ήμών τών πατριαρχών, καί
 τών λοιπών τήν ανατολικήν ἐκκλησίαν
 παριστανόντων.

Εὐφραινέσθωσαν οἱ οὐρανοὶ καί
 ἀγαλλιᾶσθω ἡ γῆ^{1*} ἀφήρηται μέν γάρ
 10 τδ μεσότοιχον τδ τήν δυτικήν καί
 ανατολικήν διαιροῦν ἐκκλησίαν, ἐπ-
 ανήλθε δέ ἡ εἰρήνη τε καί ἡ δμόνοια,
 τοῦ ἀκρωγωνιαίου λίθου ἐκείνου
 Χριστοῦ, τοῦ ποιήσαντο ἐκάτερα εν²
 15 τῷ τη ἀγάπῃ τε καί εἰρήνῃ ἰσχυρο-
 τάτω δεσμῷ ἐκάτερον τοίχον ζεύγνυν-
 το συσφίγγοντό τε καί συνέχοντο
 στοργή αἰδίου ἐνότητι, καί μετὰ τήν
 μακράν ἐκείνην τη ἀθυμία ὁμίχλην
 20 καί τήν ἀπδ τῆ χρονίου διαστάσεω
 μέλαιναν τε καί ἀχαριν ἀχλύν ἡ γαλη-
 νιώσα πᾶσιν ἀκτί ἐξήστραψε τῇ
 ποθεινοτάτῃ ἐνώσεω.

Εὐφραινέσθω καί ἡ μήτηρ ἐκκλη-
 25 σία³ τὰ ἐαυτή τέκνα μέχρι τοῦδε
 πρδ ἀλληλα στασιάζοντα εἰ ἐνότητά
 τε καί εἰρήνην ἤδη ἐπανιόντα ὀρώσα,
 καί ἡ πρῶην ἐπὶ τῷ χωρισμῷ αὐτῶν
 πικρότατα κλαίουσα, ἐκ τῆ νῦν
 30 αὐτῶν θαυμαστή δμονοία σὺν ἀνεκ-
 φράστῳ χαρὰ τῷ παντοδύναμοι
 εὐχαριστεῖτω βεῶ.

Πάντε συνευφραινέσθωσαν οἱ παν-
 ταχοῦ τῇ οἰκουμένη πιστοὶ καί οἱ
 35 τῷ ἀπδ Χριστοῦ δνόματι κεκλημένοι
 τῇ μητρὶ τῇ καθολικῇ ἐκκλησία συν-
 αγαλλέσθωσαν. Ἴδου γάρ οἱ τε δυτι-
 κοὶ καί ανατολικοὶ πατέρε μετὰ τδν
 μακρότατον τῇ διαφωνία καί δια-
 40 στάσεω χρόνον ἐκεῖνον, πρδ πάντα
 παραβαλλόμενοι κίνδυνον τδν ἐν γῇ
 καί θαλάττῃ, καί πάντα πόνον ὑπερ-
 βαλόντε, πρδ τήν ἱεράν ταυτηνὶ καί
 οἰκουμενικήν σύνοδον τῇ τε τῇ ἱερα
 45 ἐνώσεω ἐφέσει καί τοῦ τήν παλαιάν

carissimo filio nostro Iohanne
 Paleologo Romeorum imperatore
 illustri et locatenentibus venerabili-
 um fratrum nostrorum patriarcha-
 rum et ceteris orientalem ecclesiam
 repraesentantibus.

*Leienitor caeli et exultet terra*¹. Sub-
 latus est enim de medio paries, qui
 occidentalem orientalemque divi-
 debat ecclesiam et pax atque con-
 cordia rediit, illo *angulari lapide*
*Christo, qui fecit utraque unum*², vin-
 culo fortissimo caritatis et pacis
 utrumque iungente parietem et per-
 petue unitatis federe copulante ac
 continente; postque longam meroris
 nebulam et dissidii diuturni atram
 ingrathamque caliginem, serenum
 omnibus unionis optate iubar illuxit.

Gaudeat et mater ecclesia³, que fili-
 os suos hactenus invicem dissidentes
 iam videt in unitatem pacemque redi-
 isse; et que antea in eorum separa-
 tione amarissime flebat, ex ipsorum
 modo mira concordia cum ineffabili
 gaudio omnipotenti Deo gratias
 referat. Cuncti gratulentur fideles
 ubique per orbem, et qui christiano
 censentur nomine, matri catholice
 ecclesie colletentur.

Ecce enim occidentales orien-
 talesque patres post longissimum
 dissensionis atque discordiae tempus
 se maris ac terrae periculis exponen-
 tes, omnibusque superatis laboribus,
 ad hoc sacrum ycumenicum con-
 cilium desiderio sacratissime unionis
 et antique caritatis reintegrande gra-
 tia, leti alacresque convenerunt. Et
 intentione sua nequaquam frustrati
 sunt. Post longam enim laboriosam-
 que indaginem, undem Spiritus
 sancti clementia ipsam oputissimam
 sanctissimamque unionem consecuti

¹ Ps 95,11.

² Eph 2,20; 2,14.

³ Canticum *Exultet* in liturgia sabbati sancti.

Romans, of the deputies of our venerable brothers the patriarchs and of other representatives of the eastern church, to the following.

Let the heavens be glad and let the earth rejoice'. For, the wall that divided the western and the eastern church has been removed, peace and harmony have returned, since *the corner-stone, Christ, who made both one*¹, has joined both sides with a very strong bond of love and peace, uniting and holding them together in a covenant² of everlasting unity. After a long haze of grief and a dark and unlovely gloom of long-enduring strife, the radiance of hoped-for union has illuminated all.

Let mother church also rejoice³. For she now beholds her sons hitherto in disagreement returned to unity and peace, and she who hitherto wept at their separation now gives thanks to God with inexpressible joy at their truly marvellous harmony. Let all the faithful throughout the world, and those who go by the name of Christian, be glad with mother catholic church.

For behold, western and eastern fathers after a very long period of disagreement and discord, submitting themselves to the perils of sea and land and having endured labours of all kinds, came together in this holy ecumenical council, joyful and eager in their desire for this most holy union and to restore intact the ancient love. In no way have they been frustrated in their intent. After a long and very toilsome investigation, at last by the clemency of the holy Spirit they have achieved this greatly desired and most holy union. Who, then, can adequately

¹ *Latin* covenant, *Greek* love.

¹ Ps 95, 11. ² Eph 2, 20; 2, 14.

³ Canticle *Exultet* in the liturgy of holy Saturday.

ἀγάπην ἀνακτήσασθαι ἐνεκα γεγη-
θότε συνήλθον καὶ πρόθυμοι, καὶ
τοῦ σκοποῦ οὐκ ἀπέτυχον* μετὰ γάρ
πολλήν καὶ ἐπίπονον ἐρευναν τέλος
τῇ τοῦ παναγίου πνεύματος φιλαν-
θρωπία τῇ εὐκταισιότητι ταύτῃ καὶ
ἀγιωτάτῃ ἐνώσεω ἐτυχον.

Τὶ οὖν ταῖ τοῦ Θεοῦ εὐεργεσίαι
ἀξίω εὐχαριστεῖν δύναιτ' ἂν¹; Τὶ
ἐνώπιον τοῦ πλούτου των θείων
οἰκτιρμῶν οὐκ ἀν ἐκπλαγεῖν; Τίνο
οὐκ ἀν καὶ σιδηροῦν στήθεσσι τὸ τῇ
θείᾳ εὐσπλαγχνίᾳ οὐσῇ γε τηλι-
καύτῃ μαλθάξειε μέγεθος; "Ὅντω
θεῖα εἰσι ταῦτα ἔργα, οὐκ ἀνθρώπι-
νῃ ἀσθενείᾳ εὐρέματα καὶ διὰ ταῦτα
μετὰ ἐξαιρέτου μὲν εὐλαβείᾳ ἀπο-
δεκτέα, θεῖοι δὲ ὕμνοι προβιβαστέα.

Σοὶ αἶνο, σοὶ δόξα, σοὶ πρέπει
εὐχαριστία, Χριστέ, πηγὴ οἰκτιρμῶν,
ὃ τοσοῦτον ἀγαθὸν τῇ νύμφῃ σου τῇ
καθολικῇ ἐκκλησίᾳ κεχάρισται, καὶ
τῇ ἡμετέρα γενεᾷ τὰ τῇ εὐσπλα-

γχνίᾳ σου ἐδειξάς θαύματα, ἵνα σοὺ πάντες τὰ θαυμάσια διηγῶνται².
οὕτω μέγα τὼ ἵντι καὶ θεῖον ἡμῖν ὁ θεὸς δῶρον δεδωρηται, καὶ τοῖς δφθαλ-
μοῖς εἶδομεν, ὃ πολλοὶ των πρὸς ἡμῶν ἐπιθυμήσαντες ἰδεῖν οὐκ ἐδύνηται³.

Συνελθόντες γάρ λατῖνοί τε καὶ
γραικοὶ ἐν ταύτῃ τῇ ἱερᾷ καὶ αγίᾳ
οἰκουμένικῃ συνόδῳ, σπουδὴ μεγάλη
πρὸς ἀλλήλους ἐχρήσαντο, ὅπως μετὰ
τῶν ἄλλων καὶ τὸ ἄρθρον ἐκεῖνο τὸ
περὶ τῇ θείᾳ ἐκπορεύσει τοῦ ἁγίου
πνεύματος μετὰ πλείστη δυνάμει ἐπι-
μελείᾳ καὶ συνεχοῦ συζητήσεως
ἐξετασθῇ.

Προκομισθεῖσιν δὲ μαρτυριῶν ἀπὸ
τῇ θείᾳ γραφῇ καὶ πλείστων χρή-
σεων τῶν ἁγίων διδασκάλων ἀνατο-
λικῶν τε καὶ δυτικῶν, τῶν μὲν ἐκ
πατρὸς καὶ υἱοῦ, τῶν δὲ ἐκ πατρὸς
δι' υἱοῦ λεγόντων τὸ πνεῦμα τὸ ἅγιον
ἐκπορεύεσθαι, καὶ εἰς τὴν αὐτὴν
ἐννοιαν ἀποβλεπόντων πάντων ἐν
διαφόροις ταῖς λέξεσιν, οἱ μὲν γραικοὶ
δισχυρίσαντο, ὅτι τοῦθ' ὅπερ λέγου-

sunt. Quis igitur dignas omnipoten-
tis Dei beneficiis gratias referre suffi-
ciat?¹ Quis tante divine miseratio-
nis divitias non obstupescat? Cuius
vel ferreum pectus tanta superne
pietatis magnitudo non molliat?

Sunt ista prorsus divina opera,
non humane fragilitatis inventa; at-
que ideo eximia cum veneratione
suscipienda, et divinis laudibus
prosequenda. Tibi laus, tibi gloria,
tibi gratiarum actio, Christe, fons
misericordiarum, qui tantum boni
sponse tue catholice ecclesie con-
tulisti, atque in generatione nostra
tue pietatis miracula demonstrasti,
ut enarrent omnes mirabilia tua².
Magnum siquidem divinumque mu-
nus nobis Deus largitus est; oculis-
que vidimus, quod ante nos multi,
cum valde cupierint, adspicere ne-
quiverunt³.

Convenientes enim latini ac
Greci in hac sacrosancta synodo
ycumenica, magno studio invicem
usi sunt, ut inter alia etiam articulus
ille de divina Spiritus sancti proces-
sione summa cum diligentia et
assidua inquisitione discuteretur.

Prolatis vero testimoniis ex divinis
scripturis plurimisque auctoritati-
bus sanctorum doctorum orienta-
lium et occidentalium, aliquibus
quidem ex Patre et Filio, quibusdam
vero ex Patre per Filium procedere
dicentibus Spiritum sanctum, et ad
eandem intelligentiam aspicienti-
bus omnibus sub diversis vocabulis,
Greci quidem asseruerunt, quod id

¹ Cf. ITh3,9. ¹ Cf. Tbl2,20. * Cf. Mt 13,1647.

thank God for his gracious gifts?¹ Who would not stand amazed at the riches of such great divine mercy? Would not even an iron breast be softened by this immensity of heavenly condescension?

These truly are works of God, not devices of human frailty. Hence they are to be accepted with extraordinary veneration and to be furthered with praises to God. To you praise, to you glory, to you thanks, O Christ, source of mercies, who have bestowed so much good on your spouse the catholic church and have manifested your miracles of mercy in our generation, so that all should proclaim your wonders². Great indeed and divine is the gift that God has bestowed on us. We have seen with our eyes what many before greatly desired yet could not behold'.

For when Latins and Greeks came together in this holy synod, they all strove that, among other things, the article about the procession of the holy Spirit should be discussed with the utmost care and assiduous investigation.

Texts were produced from divine scriptures and many authorities of eastern and western holy doctors, some saying the holy Spirit proceeds from the Father and the Son, others saying the procession is from the Father through the Son. All were aiming at the same meaning in different words. The Greeks asserted that when they claim that the holy Spirit proceeds from the Father, they do not

¹ See 1 Th 3, 9. ² See Tb 12, 20. ³ See Mt 13, 16-17.

σι, τὸ πνεῦμα τὸ ἅγιον ἐκ τοῦ πατρὸς ἐκπορεύεσθαι, οὐ ταύτην τὴν διανοίαν προφέρουσιν, ὥστε αὐτοῦ τὸν υἱὸν ἀποκλείειν ἀλλ' ἐπειδήπερ αὐτοῖς ἐδόκει, φασί, τοῦ λατίνου, διαβεβαιούσθαι τὸ πνεῦμα τὸ ἅγιον ἐκ τοῦ πατρὸς καὶ τοῦ υἱοῦ ὡς ἀπὸ δύο ἀρχῶν καὶ δύο πνεύσεων ἐκπορεύεσθαι, διὰ τοῦτ' ἐφυλάξαντο λέγειν τὸ πνεῦμα τὸ ἅγιον ἐκπορεύεσθαι ἐκ πατρὸς καὶ υἱοῦ. Οἱ δὲ λατῖνοι διαβεβαιώσαντο μὴ κατὰ ταύτην τὴν διάνοιαν σφάλλουσαν αὐτοῦ λέγειν, τὸ πνεῦμα τὸ ἅγιον ἐκ πατρὸς καὶ υἱοῦ ἐκπορεύεσθαι, ὡς ἀποκλείειν τὸν πατέρα τοῦ εἶναι πηγὴν καὶ ἀρχὴν ὅλην τὴν θεότητα, τοῦ υἱοῦ δηλονότι καὶ τοῦ ἁγίου πνεύματος, ἢ ὅτι τὸ ἐκ τοῦ υἱοῦ ἐκπορεύεσθαι τὸ πνεῦμα τὸ ἅγιον, ὃ υἱὸς οὐκ ἔχει παρὰ τοῦ πατρὸς, ἢ ὅτι δύο τιθέασιν εἶναι ἀρχὰς ἢ δύο πνεύσει' ἀλλ' ἵνα μίαν μόνην δηλώσωσιν εἶναι ἀρχὴν καὶ μοναδικὴν προβολὴν τοῦ ἁγίου πνεύματος, καθὼς μέχρι τοῦδε δισχυρίσαντο. Ἐπειδὴ δὲ ἐκ τούτων ἀπάντων μία καὶ ἡ αὐτὴ τῇ ἀλήθειᾳ συνάγεται ἐννοία, τέλος εἰ τὴν ὑπογεγραμμένην ἁγίαν καὶ θεοφιλή τὴν αὐτὴν διανοίαν καὶ τῷ αὐτῷ νοῦ συνεφώνησαν καὶ συνήνεσαν δημοθυμαδὸν ἐνῶσιν.

Ἐν τῷ ὀνόματι τοίνυν τῇ ἁγίᾳ τριάδι, τοῦ πατρὸς καὶ τοῦ υἱοῦ καὶ τοῦ ἁγίου πνεύματος, τούτῃ τῇ ἱερῇ καὶ οἰκουμενικῇ τῇ ἐν Φλωρεντείᾳ ἐπιψηφίζομένη συνόδου ὀρίζομεν, ἵνα αὕτη ἡ τῇ πίστει ἀλήθεια ὑπὸ πάντων τῶν χριστιανῶν πιστευθεῖται καὶ ἀποδεχθεῖται, καὶ οὕτως πάντες ὁμολογώσιν, ὅτι τὸ πνεῦμα τὸ ἅγιον ἐκ τοῦ πατρὸς καὶ τοῦ υἱοῦ ἀιδίως ἐστίν, καὶ τὴν ἑαυτοῦ οὐσίαν καὶ τὸ ὑπαρκτικὸν αὐτοῦ εἶναι ἔχει ἐκ τοῦ πατρὸς. ἅμα καὶ τοῦ υἱοῦ, καὶ ἐξ ἀμφοτέρων ἀιδίως ὡς ἀπὸ μιᾶς ἀρχῆς καὶ μοναδικῆς προβολῆς ἐκπορεύεται.

quod dicunt Spiritum sanctum ex Patre procedere, non hac mente proferunt ut excludant Filium; sed quia eis videbatur, ut aiunt, Latinos asserere Spiritum sanctum ex Patre et Filio procedere tanquam ex duobus principiis et duabus spirationibus, ideo abstinuerunt a dicendo, quod Spiritus sanctus ex Patre procedat et Filio. Latini vero affirmarunt, non se hac mente dicere Spiritum sanctum ex Patre Filioque procedere, ut excludant Patrem, quin sit fons ac principium totius deitatis, Filii scilicet ac Spiritus sancti, aut quod id, quod Spiritus sanctus procedit ex Filio, Filius a Patre non habeat; sive quod duo ponant esse principia seu duas spirationes, sed ut unum tantum asserant esse principium unicamque spirationem Spiritus sancti, prout hactenus asseruerunt. Et cum ex his omnibus unus et idem eliciatur veritatis sensus, tandem in infra-scriptam sanctam et Deo amabilem eodem sensu eademque mente unionem unanimiter concordarunt et consenserunt.

In nomine igitur sancte Trinitatis, Patris, Filii et Spiritus sancti, hoc sacro universali approbante Florentino concilio, diffinimus ut hec fidei veritas ab omnibus christianis credatur et suscipiatur, sicque omnes profiteantur, quod Spiritus sanctus ex Patre et Filio eternaliter est, et essentiam suam suamque esse subsistens habet ex Patre simul et Filio, et ex utroque eternaliter tanquam ab uno principio et unica spiratione procedit, declarantes quod id, quod sancti doctores et patres dicunt, ex Patre per Filium procedere Spiritum

1 Cf. coac. Lugdun. Π, c. 1 (v. supra p. 314).

intend to exclude the Son; but because it seemed to them that the Latins assert that the holy Spirit proceeds from the Father and the Son as from two principles and two spirations, they refrained from saying that the holy Spirit proceeds from the Father and the Son. The Latins asserted that they say the holy Spirit proceeds from the Father and the Son not with the intention of excluding the Father from being the source and principle of all deity, that is of the Son and of the holy Spirit, nor to imply that the Son does not receive from the Father, because the holy Spirit proceeds from the Son, nor that they posit two principles or two spirations; but they assert that there is only one principle and a single spiration of the holy Spirit, as they have asserted hitherto. Since, then, one and the same meaning resulted from all this, they unanimously agreed and consented to the following holy and God-pleasing union, in the same sense and with one mind.

In the name of the holy Trinity, Father, Son and holy Spirit, we define, with the approval of this holy universal council of Florence, that the following truth of faith shall be believed and accepted by all Christians and thus shall all profess it: that the holy Spirit is eternally from the Father and the Son¹, and has his essence and his subsistent being from the Father together with the Son, and proceeds from both eternally as from one principle and a single spiration. We declare that when holy doctors and fathers say that the holy Spirit proceeds from the Father through the Son, this bears the sense that thereby also the Son should

¹ See council of Lyons II, const. 1 (see above p. 314).

Διασαφοῦντε , ὅτι τοῦθ' ὁπερ οἱ ἅγιοι διδάσκαλοι καὶ πατέρες ἐκ τοῦ πατρὸς διὰ τοῦ υἱοῦ ἐκπορεύεσθαι

τὴν φέρει τὴν ἐννοιαν ὥστε διὰ τούτων δηλοῦσθαι, καὶ τὸν υἱὸν εἶναι κατὰ μὲν τοῦ γραικοῦ , αἰτίαν, κατὰ δὲ τοῦ λατίνου , ἀρχὴν τῆ τοῦ ἁγίου πνεύματος ὑπάρξεω , ὥσπερ καὶ τὸν πατέρα.

Καὶ ἐπεὶ πάντα δσα ἐστὶ τοῦ πατρὸς , αὐτὸ ὁ πατήρ τῷ μονογενεὶ αὐτοῦ υἱῷ ἐν τῷ γεννᾶν δέδωκε, πλήν τοῦ εἶναι πατέρα, τοῦτ' αὐτό, ὅτι τὸ πνεῦμα τὸ ἅγιον ἐκ τοῦ υἱοῦ ἐκπορεύεται, αὐτὸ ὁ υἱὸς παρὰ τοῦ πατρὸς αἰδίῳ ἔχει, ἀφ' οὗ αἰδίῳ καὶ γεγέννηται.

Ἔτι διοριζόμενα τὴν τῶν βημάτων ἐκείνων ἀνάπτυιν, τὴν καὶ ἐκ τοῦ υἱοῦ, χάριν τοῦ τὴν ἀλήθειαν σαφηνισθῆναι, ἀνάγκη τε τότε επικείμενη , θεμιτῷ τε καὶ εὐλόγῳ ἐν τῷ συμβόλῳ προστεθῆναι.

Ἔτι ἐν ἀζύμῳ ἢ ἐνζύμῳ ἄρτῳ σιτίῳ τὸ τοῦ Χριστοῦ σῶμα τελείσθαι ἀληθῶς , τοῦ τε ἱερεὶ ἐν θατέρῳ αὐτὸ τὸ σῶμα τοῦ κυρίου ὀφείλῃν τελεῖν, ἕκαστον δηλονότι κατὰ τὴν τῇ Ἰδίᾳ ἐκκλησίᾳ εἴτε δυτικῇ εἴτε ἀνατολικῇ συνήθειαν.

Ἔτι, ἐὰν οἱ ἀληθῶς μετανοήσαντες ἀποθάνωσιν ἐν τῇ τοῦ θεοῦ ἀγάπῃ, πρὶν τοῖς ἁγίοις τῇ μετανοίᾳ καρποῖ ἱκανοποιῆσαι περὶ τῶν ἡμαρτημένων ὁμοῦ καὶ ἡμελημένων, τὰ τούτων ψυχὰ καθαρικαῖς τιμωρίαι καθαίρεσθαι μετὰ θάνατον ὥστε δὲ ἀποκουφίζεσθαι αὐτὰ τῶν τοιοῦτων τιμωριῶν, λυσιτελεῖν αὐταῖς τὰ τῶν ζώντων πιστῶν ἐπικουρία δηλονότι τὰ ἱερὰ θυσία καὶ εὐχὰ καὶ ἐλεημοσύνα καὶ τάλλα τῇ εὐσεβείᾳ ἔργα, ἅτινα παρὰ τῶν πιστῶν ὑπὲρ ἄλλων πιστῶν εἴωθε γίνεσθαι κατὰ τὰ τῇ ἐκκλησίᾳ διατάγματα.

Ἐκείνων δὲ τὰ ψυχὰς , οἵτινες μετὰ τὸ βαπτισθῆναι οὐδεμίᾳ δλῶ τῇ ἁμαρτία κηλίδι ὑπέπεσον, καὶ ἐτι

tum sanctum, ad hanc intelligentiam tendit, ut per hoc significetur Filium quoque esse, secundum Grecos quidem causam, secundum Latinos vero principium subsistende Spiritus sancti, sicut et Patrem.

Et quoniam omnia, quae Patris sunt, Pater ipse unigenito Filio suo gignendo dedit, praeter esse Patrem; hoc ipsum, quod Spiritus sanctus procedit ex Filio, ipse Filius a Patre eternaliter habet, a quo etiam eternaliter genitus est.

Diffinimus insuper explicationem verborum illorum Filioque, veritatis declarande grada et imminente tunc necessitate, licite ac rationaliter symbolo fuisse appositam.

Item, in azimo sive fermentato pane triticeo, corpus Christi veraciter confici, sacerdotesque in altero ipsum Domini corpus conficere debere, unumquemque scilicet iuxta suae ecclesiae sive occidentalis sive orientalis consuetudinem.

Item, si vere penitentes in Dei caritate decesserint, antequam dignis penitentiae fructibus de commissis satisfecerint et omissis, eorum animas penitus purgatoriis post mortem purgari, et, ut a penis huiusmodi releventur, prodesse eis fidelium vivorum suffragia, missarum scilicet sacrificia, orationes et elemosinas et alia pietatis officia, quae a fidelibus pro aliis fidelibus fieri consueverunt, secundum ecclesiae instituta.

Horumque animas, qui post baptismum susceptum nullam omnino peccati maculam incurrerunt; illas

be signified, according to the Greeks indeed as cause, and according to the Latins as principle of the subsistence of the holy Spirit, just like the Father.

And since the Father gave to his only-begotten Son in begetting him everything the Father has, except to be the Father, so the Son has eternally from the Father, by whom he was eternally begotten, this also, namely that the holy Spirit proceeds from the Son.

We define also that the explanation of those words “and from the Son” was licitly and reasonably added to the creed for the sake of declaring the truth and from imminent need.

Also, the body of Christ is truly confected in both unleavened and leavened wheat bread, and priests should confect the body of Christ in either, that is, each priest according to the custom of his western or eastern church.

Also, if truly penitent people die in the love of God before they have made satisfaction for acts and omissions by worthy fruits of repentance, their souls are cleansed after death by cleansing pains; and the suffrages of the living faithful avail them in giving relief from such pains, that is, sacrifices of masses³, prayers, almsgiving and other acts of devotion which have been customarily performed by some of the faithful for others of the faithful in accordance with the church’s ordinances.

Also, the souls of those who have incurred no stain of sin whatsoever after baptism, as well as souls who after incurring the stain of sin have been cleansed

¹ *Latin* sacrifices of masses, *Greek* holy sacrifices.

τά μετὰ τὸ ἐφελκύσασθαι τὴν τὴν
αμαρτία κηλίδα, εἴτε ἐν τοῖς αὐτῶν
 σώμασιν, εἴτε μετὰ τὸ τὰ σώματα
 ἀποδύσασθαι, ὡς προεῖρηται, καθαρ-
 5 θείσα, εἰ οὐρανὸν εὐθὺς προσλαμβάν-
 νεσθαι καὶ καθαρῶς. Οὐδεὶς αὐτὸν τὸν
 ἕνα καὶ τρισυπόστατον θεόν, κοίθῳ
 ἐστίν, ἕτερον μέντοι ἑτέρου τελειώτε-
 ρον, κατὰ τὴν τῶν βεβιωμένων ἀξίαν,
 10 Τὰ δὲ ψυχὰς τῶν ἐν τῇ κατ' ἐνέρ-
 γειαν θανάσιμῳ *αμαρτία* ἢ καὶ ἐν
 μόνῃ τῇ προπατορικῇ ἀποβιούντων,
 εὐθέως καταβαίνειν εἰς ἅδην, τιμω-
 ρίαι ὁμῶς ἀνίστοι τιμωρηθησομένα.
 15 Ἐπεὶ ὁρίζομεν τὴν ἁγίαν ἀποστο-
 λικὴν καθέδραν καὶ τὸν Ῥωμαϊκὸν
 ἀρχιερέα εἰς πᾶσαν τὴν οἰκουμένην
 τὸ πρωτεῖον κατέχειν, αὐτὸν τε τὸν
 Ῥωμαϊκὸν ἀρχιερέα διάδοχον εἶναι
 20 τοῦ μακαρίου Πέτρου, τοῦ κορυφαίου
 τῶν ἀποστόλων, καὶ ἀληθὴ τοποτη-
 ρητὴν τοῦ Χριστοῦ, καὶ πᾶση τῇ
 ἐκκλησίᾳ κεφαλὴν, καὶ πάντων τῶν
 χριστιανῶν πατέρα καὶ διδάσκαλον
 25 ὑπάρχειν, καὶ αὐτῷ ἐν τῷ μακαρίῳ
 Πέτρῳ τοῦ ποιμαίνειν καὶ διευθύνειν
 καὶ κυβερνᾶν τὴν καθολικὴν ἐκκλη-
 σίαν ὑπὸ τοῦ κυρίου ἡμῶν Ἰησοῦ
 Χριστοῦ πλήρη ἐξουσίαν παραδεδο-
 30 σθαι, καθ' ὃν τρόπον καὶ ἐν τοῖς πρακ-
 τικοῖς τῶν οἰκουμενικῶν συνόδων
 καὶ τοῖς ἱεροῖς κανόσι διαλαμβάνεται.

Ἀνανεοῦντε ἐπὶ καὶ τὴν ἐν τοῖς
 κανόσι παραδεδομένην τάξιν τῶν
 35 λοιπῶν σεβασμίων πατριαρχῶν, ὥστε
 τὸν Κωνσταντινουπόλεως πατριάρχην
 δευτέρον εἶναι μετὰ τὸν ἁγιώτατον
 πᾶπαν τῇ Ῥώμῃ, τρίτον δὲ τὸν τῇ
 Ἀλεξανδρείᾳ, τέταρτον δὲ τὸν τῇ
 40 Ἀντιόχειᾳ, καὶ πέμπτον τὸν τῶν
 Ἱεροσολύμων σωζομένων δηλαδὴ καὶ
 τῶν προνομίων ἀπάντων καὶ δικαίων
 αὐτῶν².

etiam, que post contractam peccati
 maculam, vel in suis corporibus,
 vel eisdem exute corporibus, prout
 superius dictum est, sunt purgate,
 in celum mox recipi, et intueri clare
 ipsum Deum trinum et unum, sicuti
 est, pro meritorum tamen diversi-
 tate alium alio perfectius.

Illorum autem animas, qui in ac-
 tuali mortali peccato vel solo origi-
 nali decedunt, mox in infernum de-
 scendere, penis tamen disparibus
 puniendas.

Item diffinimus sanctam aposto-
 licam sedem et Romanum ponti-
 ficem in universum orbem tenere
 primatum, et ipsum pontificem Ro-
 manum successorem esse beati Petri
 principis apostolorum et verum
 Christi vicarium totiusque ecclesie
 caput et omnium Christianorum pa-
 trem ac doctorem existere, et ipsi
 in beato Petro pascendi, regendi ac
 gubernandi universalem ecclesiam
 a domino nostro Iesu Christo ple-
 nam potestatem traditam esse,
 quemadmodum etiam in gestis ycu-
 menicorum conciliorum et in sacris
 canonibus continetur.

Renovantes insuper ordinem tra-
 ditum in canonibus ceterorum vene-
 rabilium patriarcharum, ut patri-
 archa Constantinopolitanus secun-
 dus sit post sanctissimum Romanum
 pontificem, tertius vero Alexan-
 drinus, quartus autem Antiochenus,
 et quintus Hierosolymitanus, salvis
 videlicet privilegiis omnibus et
 iuribus eorum².

¹ Cf. Coast. *Benedictu Deu*/ Benedicti XII, 29 ian. 1336 (D n. 530).

¹ Cf. conc. Chalc. c. 28 (v. supra pp. 99-100) et conc. Lat. IV, c. 5 (v. supra p. 236).

whether in their bodies or outside their bodies, as was stated above, are straightaway received into heaven and clearly behold¹ the triune God as he is, yet one person more perfectly than another according to the difference of their merits’.

But the souls of those who depart this life in actual moral sin, or in original sin alone, go down straightaway to hell to be punished, but with unequal pains.

We also define that the holy apostolic see and the Roman pontiff holds the primacy over the whole world and the Roman pontiff is the successor of blessed Peter prince of the apostles, and that he is the true vicar of Christ, the head of the whole church and the father and teacher of all Christians, and to him was committed in blessed Peter the full power of tending, ruling and governing the whole church, as is contained also in the acts of ecumenical councils and in the sacred canons.

Also, renewing the order of the other patriarchs which has been handed down in the canons, the patriarch of Constantinople should be second after the most holy Roman pontiff, third should be the patriarch of Alexandria, fourth the patriarch of Antioch, and fifth the patriarch of Jerusalem, without prejudice to all their privileges and rights².

¹ *Latin* difference of their merits, *Greek* worth of their lives.

¹ See Const. *Benedictus Deus* of Benedict XII, 29 January 1336 (D no. 530).

² See council of Chalcedon, canon 28 (see above pp. 99-100), and Lateran council IV, const. 5 (see above p. 236).

SESSIO VII

4 sept. 1439

[Decretum concilii Florentini contra synodum Basiliensem]

Eugenius episcopus, servus servorum Dei, ad perpetuam rei memoriam. Moyses, vir Dei, populi sibi commissi salutem zelans, timensque, ne ob seditiosum schisma Chore, Dathan et Abiron ira Dei in ipsum populum, si illos sequeretur, insurgeret, iussu Domini dixit ad plebem universam: *s recedite a tabernaculis hominum impiorum et nolite tangere, que ad eos pertinent, ne involvamini in peccatis eorum*¹; senserat enim ipso Domino inspirante, seditiosos et schismaticos illos ultionem gravissimam excepturos, sicut postmodum rei monstravit eventus, dum nec ipsa terra eos potuit sustinere, sed iusto Dei iudicio illos absorbuit, ut descenderent in infer- io
num viventes.

Sic et nos, quibus, licet immeritis, dominus Ihesus Christus populum suum committere dignatus est, audientes illud execrabile scelus, quod quidam perditii homines Basilee commorantes ad scindendam sancte ecclesie unitatem proximis diebus machinati sunt², metuentesque, ne quos is
incautos seducant fraudibus, et venenis inficiant, ad ipsum domini nostri Ihesu Christi populum nobis creditum clamare pari voce compellimur: *s recedite a tabernaculis hominum impiorum*¹, maxime cum longe amplior sit plebs Christiana quam illa tunc iudeorum, ecclesia sanctior quam synagoga, et Christi vicarius ipso Moyse auctoritate et dignitate superior. 20

Quam Basiliensium impietatem dudum providere cepimus, quando- quidem illud tunc Basiliense concilium intuebamur iam in tyrannidem prolabi, dum multi etiam inferioris gradus ad illud tunc veniendum standumque pro libito factionis auctorum cogerentur, dum nonnullorum vota et iudicia diversis artibus extorquerentur, alii mendaciis et fraudibus 25
seducerentur, dum conspiracyonibus, conjurationibus, monopolis et conventiculis pene omnia cederent, et pro ambitione papatus diuturna protractio eius concilii querebatur, ubi denique innumere novitates, inordinationes, deformitates, et quasi infinita patrabantur mala, ad que etiam clerici infra sacros ordines constituti, ignorantes, inexperti, vagi, 30
discoli, profugi, apostate, de criminibus condemnati, et de carceribus fugientes, nobis et suis superioribus rebelles, et reliqua istiusmodi hominum monstra concurrerent, qui ab ipsis scelerum magistris omnem corruptionis labem trahebant.

Advertimus etiam ad illud sanctissimum opus unionis orientalis 35
ecclesie, quod per quorundam factiosorum fraudem omnino periclitari videbamus, et idcirco tantis malis, quantum in nobis erat, providere cupientes, ex predictis et aliis rationabilibus et necessariis causis, de quibus in decreto translationis plene continetur, prefatum tunc Basiliense concilium de venerabilium fratrum nostrorum sancte Romane ecclesie 40

² Nm 16,26.

¹ Synodus Basileensis die 25 iun. 1439 deposuerat Eugenium IV papam.

SESSION 7

4 September 1439

[Decree of the council of Florence against the synod at Basel]

Eugenius, bishop, servant of the servants of God, for an everlasting record. Moses, the man of God, was zealous for the well-being of the people entrusted to him. He feared that God's wrath would be roused against them if they followed Korah, Dathan and Abiram in their seditious schism. Therefore he said to the whole people, at the Lord's command: *depart from the tents of these wicked men and touch nothing of theirs, lest you be involved in their sins*'. For he had perceived, under the Lord's inspiration, that those seditious and schismatic men would incur a grievous retribution, as was demonstrated afterwards when even the earth could not bear with them but by God's just judgment swallowed them up, so that they fell alive into hell.

Similarly we too to whom, though unworthy, the lord Jesus Christ has deigned to entrust his people, as we hear of the abominable crime that certain wicked men dwelling in Basel have plotted in these days so as to breach the unity of holy church², and since we fear that they may seduce some of the unwary by their deceits and inject them with their poisons, are forced to proclaim in like words to the people of our lord Jesus Christ entrusted to us, *depart from the tents of these wicked men*', particularly since the Christian people is far more numerous than the Jewish people of those days, the church is holier than the synagogue, and the vicar of Christ is superior in authority and status even to Moses.

This impiety of those at Basel we began to foresee long ago, when we observed the council of Basel already lapsing into tyranny; when many, including those of lower status, were forced to go to it and to stay at the whim of that faction of agitators; when the votes and decisions of some of them were being extorted by various tricks and others were being suborned by lies and deceits, as they abandoned almost everything to conspiracies, cabals, monopolies and cliques, and from a long-standing rivalry with the papacy sought to prolong the duration of the council; when, finally, innumerable novelties, irregularities, deformities and ills were perpetrated, to which there concurred even clerics in lower orders, the ignorant and inexperienced, vagabonds, quarrellers, fugitives, apostates, condemned criminals, escapees from prison, those in rebellion against us and their own superiors, and other such human monsters, who brought with them every stain of corruption from those teachers of evil-doing.

We directed our attention also to that most holy work of union with the eastern church, which seemed to us to be greatly endangered by the deceit of certain factious persons, and we wished to provide as best we could for so many evils. For these and other just and necessary reasons which are stated in full in the decree of translation, with the advice of our venerable brothers the cardinals of the holy Roman church, and with the approval of very many venerable

¹ Nm 16, 26.

² The synod at Basel had deposed Pope Eugenius IV on 25 June 1439.

cardinalium consilio*, plurimis venerabilibus fratribus et dilectis filiis archiepiscopis, episcopis, electis, abbatibus, et aliis ecclesiarum prolati ac magistris et doctoribus id laudantibus, ad civitatem Ferrariensem transtulimus, ubi etiam cum occidentali et orientali ecclesia concilium
 5 ycumenicum, Domino disponente, fundavimus.

Deinde morbo pestis superveniente et continuante, ad hanc civitatem Florentiam eius gratia annuente, eodem sacro concilio approbante, transtulimus, in quo ipse piissimus et clementissimus Deus ostendit mirabilia sua, ut scilicet schisma illud perniciosissimum, quod in Dei
 10 ecclesia per quingentos fere annos cum maxima totius christianitatis detrimento duraverat, et ad illud extirpandum plurimi sancti Romani pontifices predecessores nostri multique reges et principes et alii christiani magnis olim laboribus et impensis durissime insudarunt, post multas tandem in utroque loco disputationes publicas et privatas, diversos
 15 tractatus et labores multiplices sublatum fuerit et sanctissima latinorum et Grecorum unio feliciter consummata, prout in decreto superinde confecto et solemniter promulgato plenius continetur.

Ex qua re ipsi etiam Deo inexhaustas gratias referentes omnique fidei populo congratulantes, obtulimus illi hostiam iubilationis et laudis. Vidimus enim non gentem unam veluti hebreorum populum ad terram promissionis evocari, sed multarum gentium populos, nationes et linguas ad unum divine veritatis eloquium meritumque concurrere, per quod etiam iam magna spes redditur, ut ipse sol iusticie in oriente oriens ad aliarum multarum gentium etiam infidelium tenebras radios sue lucis extendat, fiatque salus Domini usque ad extremum terre².

Cuius quidem rei iam optimas arras Deo disponente tenemus, dum ipse omnipotens Deus per operam nostram Armenorum oratores ex longissimis septentrionis partibus ad nos et apostolicam sedem et sacrum hoc concilium hiis diebus cum pleno mandato pervenire concessit³, qui nos non aliter quam beatum Petrum apostolorum principem intuentes ac venerantes ipsamque sanctam sedem veluti matrem omnium fidelium et magistram recognoscentes, ad eam et prefatum concilium pro spirituali cibo et sane doctrine veritate se venisse professi sunt. Ob quam rem Deo nostro iterum gratias multas retulimus.

35 Sed quas in prefato divino opere molestias, quas impugnationes, quas denique persecutiones, non quidem a Teuchris aut Sarracenis, sed a vocatis Christianis hucusque passi fuerimus, horret animus commemorare.

Refert beatus Hieronymus⁴, quod ab Hadriani temporibus usque ad
 40 imperium Constantini in loco resurrectionis dominice simulacrum Iovis et in crucis rupe statua Veneris ex marmore a gentibus posita colebatur,

» om. p. /. CF 1/2, 102

* Legati Armenorum die 13 aug. 1439 Florentiam applicuerunt.

4 Cf. Hieronymus, *Ep. ad Paulinum* (PL 22, 581).

brothers and sons, archbishops, bishops, elected persons, abbots and other prelates of churches, masters and doctors, we transferred the aforesaid council of Basel to this city of Ferrara, where we established with the Lord's help an ecumenical council of the western and the eastern church.

Afterwards, when the plague came and continued unabated, under the inspiration of grace and with the approval of the same holy council, we transferred the council to this city of Florence. Here the most gracious and merciful God showed his wonders. For, the most disastrous schism, which had endured in God's church for almost five hundred years to the immense harm of the whole of Christianity, and for the elimination of which very many of our predecessors as Roman pontiffs and many kings and princes and other Christians in past times had laboured very hard, at last, after public and private discussions in both places and many other labours, was removed and the most holy union of the Greeks and the Latins was happily achieved, as is described more fully in the decree about this which was drawn up and solemnly promulgated.

Returning fervent thanks for this to the eternal God and sharing our joy with all the faithful, we offered to God a sacrifice of jubilation and praise. For we saw that not just one nation like the Hebrew people was being summoned to the promised land, but peoples of many races, nations and tongues were hastening to the one utterance and merit of the divine truth. Through this, great hope is forthcoming that the sun of justice¹, rising in the east, will spread the beams of its light to pierce the darkness of many other races, even of infidels, and the salvation of the Lord may reach to the ends of the earth².

Already indeed, by God's providence, we have excellent pledges of this. For almighty God has granted that, by our means, representatives of the Armenians with full powers have recently come from most distant northern parts to us and the apostolic see and to this holy council³. They regard and venerate us as no other than blessed Peter, prince of the apostles, they recognize the holy see as mother and mistress of all the faithful, and they profess that they have come to the holy see and to the aforesaid council for spiritual food and the truth of sound doctrine. For this too we have given many thanks to our God.

But the mind recoils from recording what troubles, attacks and persecutions we have suffered in the course of this divine undertaking until now, not indeed from Turks or Saracens but from those who call themselves Christians.

Blessed Jerome⁴ reports that from the time of Hadrian until the reign of Constantine there was set up and worshipped by the pagans at the place of the Lord's resurrection an image of Jupiter and on the rock of the crucifixion a marble statue of Venus, since the authors of persecution thought that they could

¹ See Mt 4, 2. ² See Is 49, 6.

³ The legates of the Armenians arrived in Florence on 13 August 1439.

⁴ See Jerome, *Ep. ad Paulinum* (*Letter to Paulinus*) (PL 22, 581).

existimantibus persecutionis auctoribus tollere nobis fidem resurrectionis et crucis, si sancta loca per ydola polluissent.

Non dissimile a Basiliensibus illis hominibus perditissimis nobis et ecclesie Dei hiis diebus fieri contigit, nisi quod illud a paganis et verum Deum ignorantibus factum est, hoc ab hiis, qui cognoverunt et oderunt¹, 5 et idcirco *superbia eorum* iuxta prophetam *ascendit semper*³, in eo periculosius, quod sub reformationis specie, quam in se semper horruerunt, venena diffundunt.

Primum quidem, postquam hii, qui omnis scandali patratores Basilee fuerunt, Grecis in promissione defecerant, cum per ipsorum Grecorum 10 et ecclesie orientalis oratores plane intelligerent, carissimum in Christo filium nostrum Iohannem Paleologum Romeorum imperatorem illustrem et bone memorie Joseph Constantinopolitanum patriarcham, reliquosque tam prelatos quam alios orientalis ecclesie ad locum pro ycumenico celebrando concilio per nostros legatos et présidentes, aliosque ex prestantioribus ibidem existentibus, ad quos ius eligendi locum iuxta conventionem communi eiusdem concilii consensu firmatam post graves suppositorum eius dissensiones devolutum erat, legitime electum accedere velle, cumque etiam nos hanc ipsam loci electionem ad supplicationem et instantiam maximam dictorum oratorum in generali consistorio Bononie confirmasse, ac galeas et alia necessaria pro huius sanctissime unionis opere multis laboribus et impensis versus Constantinopolim destinare percepissent, 25

quoddam detestabile monitorium seu citatorium³, quo sanctum hoc opus interciperent, contra nos et prefatos cardinales decernere ausi sunt, [illudque ad prefatos imperatorem et patriarcham Constantinopolim mittere, ut ipsos et omnes alios] omnino a veniendo diverterent. Sciebant enim illos ad alium locum quam electum, ut premittitur, nullo pacto venturos.

Deinde, cum predictos imperatorem et patriarcham ac reliquos pro ipso sanctissime unionis opere ad nos iam venire percepissent, alium impietatis laqueum huic tam divine rei inficere sunt conati, dum quandam sacrilegam suspensionis ab administratione papatus assertam sententiam contra nos protulerunt. 30

Postremo memorati scandalorum duces numero quidem paucissimi, quorum plerique conditionis infime et nominis, vere pacis odiosissimi iniquitatem super iniquitatem apponentes, ut non intrarent in iusticiam Domini*, dum Spiritus sancti gratiam pro ipsorum Grecorum unione iam in nobis operari conspicerent, a recta linea per anfractus erroris exorbitantes, pretensam quandam decimaseptimo kal. iunii proxime preteriti sessionem fecerunt in quibusdam decretis, licet per unam tantum ex tribus obediendiis post recessum Iohannis XXIII sic in eadem obedientia nuncupati Constande schismate tunc vigente editis, inherere se dicentes, 40

¹ Cf. Io 15, 14. » Ps. 73, 23.

² Approbatum Basileae die 25 ian. 1438 (cf. Msi 29,165-169).

* Cf. Ps 68, 28.

take away from us our faith in the resurrection and the cross if they polluted the holy places with their idols.

Much the same has happened in these days against us and the church of God, at the hands of those desperate men at Basel, except that what was then done by pagans ignorant of the true God is now the work of men who have known him and hated him¹. *Their pride*, then, according to the prophet, *is ever rising*², all the more dangerously in that it is under the cloak of reform, which in truth they have always abhorred, that they spread their poisons.

In the first place, those who were the authors of all the scandals in Basel have failed in their promises to the Greeks. For they knew from the envoys of the Greeks and the eastern church that our most dear son in Christ John Palaeologus, illustrious emperor of the Romans, and Joseph, patriarch of Constantinople of happy memory, and the other prelates and persons of the eastern church wished to proceed to the place which had been legally chosen for the ecumenical council by our legates and presidents and other notable persons present there, whose right it was to choose the site in accordance with the agreement which had been approved by the common consent of the council after serious disagreements among its members. Whereupon we, for our part, confirmed the choice of place in a general consistory at Bologna and we sent to Constantinople, at great labour and expense, the galleys and other things necessary for this holy work of union.

When they learnt of this, they dared to decree against us and the aforesaid cardinals a detestable admonition or citation³, so as to block the holy work, [and to send it to the aforesaid emperor and patriarch of Constantinople, so that they and all others] might be deterred from coming. Yet they knew full well that there was no chance of them going to any place other than the one which had been chosen for the site, as stated above.

Then, when they realized that the aforesaid emperor and patriarch and others were already on their way to us for this work of holy union, they tried to lay another wicked snare to catch this divine project. That is, they produced against us a sacrilegious sentence of suspension from the administration of the papacy.

Finally, those leaders of scandal, very few in number, most of them of the lowest rank and reputation, in their intense hatred of true peace, piling iniquity on top of iniquity lest they should enter into the justice of the Lord⁴, when they saw that the grace of the holy Spirit was working in us towards union with the Greeks, swerving away from the straight line into paths of error, held a so-called session on 16 May last asserting that they were obeying certain decrees, although these were passed at Constance by only one of the three obediences after the flight of John XXIII, as he was called in that one obedience, at a time of schism.

¹ See Jn 15, 14. ² Ps 73, 23.

³ Approved at Basel on 25 January 1438 (see Msi 29, 165-169).

⁴ See Ps 68, 28.

tres propositiones, quas fidei veritates vocant, quasi nos et omnes principes ac prelates et alios fideles et devotos apostolice sedis hereticos facerent, protulerunt, quarum tenor sequitur in haec verba:

„Veritas de potestate concilii generalis universalem ecclesiam representantis supra papam et quemlibet alterum declarata per Constanciense et hoc Basiliense generalia concilia, est veritas fidei catholice.

Veritas hec, quod papa concilium generale universalem ecclesiam repræsenta¹ actu legitime congregatum super declaratis in prefata veritate, aut aliquo eorum sine eius consensu nullatenus auctoritate potest dissolvere, aut ad aliud tempus prorogare, aut de loco ad locum transferre, est veritas fidei catholice.

Veritatibus predictis pertinaciter repugnans est censendus hereticus.⁰¹

In hoc perniciosissimi, dum suam malignitatem sub veritatis fidei fuco colorant, Constanciense concilium in malum ac reprobum sensum et a sua^{*} doctrina penitus alienum pertrahunt, ceterorum schismaticorum et hereticorum doctrinam sequentes, qui confictos errores et impia dogmata ex divinis scripturis et sanctis patribus perverse intellectis, semper sibi astruere moliuntur.

Denique avertentes penitus *sensum suum* et declinantes *oculos suos*, ne viderent celum neque recordarentur iudiciorum iustorum², more Dioscori et damnate Ephesine synodi, ad quandam venenatam execrabilemque asserte declarationis seu privationis sententiam³ a dignitate et officio summi apostolatus inexpressibili quodam scelere processerunt, cuius tenorem, omni pie menti horribilem, haberi hic volumus pro sufficienter expresso, nichil omittentes, quantum in eis fuit, quin hoc incomparabile unionis bonum in totum everterent.

O miseros et degeneres filios! O pravam et adulteram generationem!* Quid hac impietate et iniquitate crudelius? Quid detestabilius, horribilius, atque insanius excogitari poterat? Dixerant olim nichil melius, nichil gloriosius atque fructuosius hac sanctissima unione ab exordio nascenti ecclesie in populo christiano visum vel auditum fuisse, neque expedire in re illa de loco contendendum fore, sed pro ea consequenda, nedum huius mundi substantiam, sed et corpus atque animam exponi debere, pro hoc toto orbe clamantes, et ad id commoventes populum christianum, velut in suis decretis et epistolis plene continetur; nunc vero tam furiose, tam impie, quantum in eis est, itidem persequuntur, ut ad illud Basiliense latrocinium totius orbis demonia confluisse videantur.

Et licet illorum iniquitatem sibi semper mentitam⁵ omnipotens Deus hucusque prevalere non permiserit, cum tamen ad eam complendam usque ad abominationem desolationis in Dei ecclesia⁶ viribus omnibus studeant, nos, qui sine gravissima Dei offensa, et imminente periculo con-

a sana b. l. CF 1/2, 104

1 Decretum Basileense sessionis XXXIII (Msi 29, 178-179).

2 Dn 13, 9.

1 Decretum Basileense sessionis XXXIV (Msi 29, 179-181).

* Cf. Mt 12, 39. · Cf. Ps 26, 12. · Cf. Mt 24, 15.

Alleging obedience to those decrees, they proclaimed three propositions which they term truths of the faith, seemingly to make heretics of us and all princes and prelates and other faithful and devout adherents of the apostolic see. The propositions are the following.

“The truth about the authority of a general council, representing the universal church, over a pope and anyone else whatsoever, declared by the general councils of Constance and this one of Basel, is a truth of the catholic faith.

The truth that a pope cannot by any authority, without its consent, dissolve a general council representing the universal church, legitimately assembled for the reasons given in the above-mentioned truth or for any of them, or prorogue it to another time or transfer it from place to place, is a truth of the catholic faith.

Anyone who persists in opposing the aforesaid truths is to be considered a heretic.”¹

In this, those utterly pernicious men, masking their malice with the rosy colour of a truth of the faith, gave to the council of Constance an evil and mischievous meaning completely opposed to its true teaching, imitating in this the teaching of other schismatics and heretics who always amass for their support fabricated errors and impious dogmas drawn from their perverse interpretation of the divine scriptures and the holy fathers.

Finally, completely perverting *their mind* and turning away *their eyes from looking to heaven or remembering righteous judgment?*, after the manner of Dioscorus and the infamous synod of Ephesus, they proceeded to a declaratory sentence of deprivation³, as they claimed, from the dignity and office of the supreme apostolate, a poisonous and execrable pronouncement involving an unforgivable crime. Here we will take the tenor of that sentence, abhorrent to every pious mind, as sufficiently expressed. They omitted nothing, as far as was in their power, that might overthrow this incomparable good of union.

O miserable and degenerate sons! O wicked and adulterous generation!⁴ What could be more cruel than this impiety and iniquity? Can anything more detestable, more dreadful and more mad be imagined? Earlier on they were the ones who said that nothing better, nothing more glorious and fruitful had ever been seen or heard of in the Christian people, from the very birth of the church, than this most holy union, and that to further it there should be no contention about the place, but rather to achieve it the wealth of this world as well as body and soul should be hazarded, proclaiming this aloud to the whole world and urging the Christian people to it, as their decrees and letters fully state. But now they persecute exactly this as furiously and as impiously as they can, so that the devils of the entire world seem to have flocked together to that conventicle of brigands at Basel.

So far almighty God has not allowed their iniquity and its lying inconsistencies⁵ to prevail. But seeing that they are striving with all their strength to bring it to success, even to the point of setting up the abomination of desolation in God’s church⁶, we can in no way pretend to ignore these things without most serious offence to God and imminent danger of confusion and

¹ Decree of 33rd session at Basel (Msi 29, 178-179). ² Dn 13, 9.

³ Decree of 34th session at Basel (Msi 29, 179-181).

⁴ See Mt 12, 39. ⁵ See Ps 26, 12. ⁶ See Mt 24, 15.

fusionis et abhominacionis in Dei ecclesia talia dissimulare nullo modo valemus, iuxta pastoralis officii nostri debitum, multis etiam zelo Dei succensis nos ad hoc ipsum impellentibus, tantis malis obviare volentes, ac, quantum in nobis est, oportune et salubriter providere, execrabilem-
que impietatem ac pestem perniciosissimam a Dei ecclesia eliminare, s

predecessorum nostrorum sequentes vestigia, qui, ut scribit sancte memorie Nicolaus papal, soliti sunt concilia etiam universorum pontificum nequiter celebrata cassare, sicut in universali contigit synodo Ephesina secunda, quam beatissimus Leo papa summovit et Chalcedonensem instituit, 10

solenne et salubre declarationis decretum contra sacrilegos illos auctoritate apostolica, in sacro Ferrariensi generali concilio quinto decimo kal. madi per nos editum, hoc sacro Florentino concilio approbante innovamus²,

per quod quidem inter alia omnes et singulos Basilee sub pretensi concilii nomine, quod verius conventiculum esse diximus, contra translationem et declarationem nostras contravenientes, et illa scandalosa et nefaria presumentes, etiamsi cardinalatus, patriarchal!, archiepiscopal!, episcopali, abbatiali, aut aliqua quavis dignitate ecclesiastica vel seculari prefulgerent, excommunicationis, privationis dignitatum, beneficiorum et offidorum
ac inhabilitationis ad futura, penas in dictis nostris litteris translationis contentas, ipso sacro Ferrariensi approbante concilio incidisse declaravimus, 20

decernentes etiam nunc ac declarantes, quecumque per dictos impios homines Basilee existentes facta et attemptata, de quibus in prefato nostro
Ferrariensi decreto fit mentio, similiter omnia et singula per predictos ex post facta, gesta et attemptata, specialiter in duabus pretensis sessionibus, seu verius conspiracyonibus ultimo nominatis, ac quidquid ex eis vel ab ea forsitan secutum sit, et in futurum sequi posset, tanquam ab impiis hominibus, et nullam potestatem habentibus, sed a Deo eiectis et reprobatis fuisse et esse nulla, cassa et irrita, ut de facto presumpta ac nullis penitus effectus, roboris vel momenti, 25

ipsasque propositiones superius descriptas iuxta pravum ipsorum Basiliensium intellectum, quem facto demonstrant, veluti sano sacre scripture et sanctorum patrum et ipsius Constanciensis concilii sensui
contrarium, necnon prefatam assertam declarationis seu privationis sententiam cum omnibus inde secutis et que in futurum sequi possent, tanquam impias et scandalosas, necnon in manifestam Dei ecclesie scissuram, ac omnis ecclesiastici ordinis et christiani principatus confusionem tendentes, 35

ipso sacro approbante concilio damnamus et reprobamus, ac damnatas et reprobatas nunciamus.

Decernimus etiam et declaramus omnes et singulos predictos fuisse et esse schismaticos et hereticos,

1 Cf. epistolam Nicolai I papae de synodo Mettensi (863) apud E. Perels in MGH, *Ep.* VI, Berlin 1925, 285. * Vide supra pp. 517-520.

abomination in God's church. In keeping with our pastoral office, at the urging of many who are fired with zeal for God, we wish to put a stop to such evils and, as far as we can, to take appropriate and salutary measures to eliminate from God's church this execrable impiety and most destructive pestilence.

Following in the steps of our predecessors who, as Pope Nicholas¹ of holy memory writes, were accustomed to annul councils which had been conducted improperly, even those of universal pontiffs, as occurred at the second universal synod at Ephesus, inasmuch as the blessed pope Leo summoned it but later established the council of Chalcedon.

We renew by our apostolic authority, with the approval of this holy council of Florence, the solemn and salutary decree against those sacrilegious men, which was issued by us in the sacred general council of Ferrara on 15 February².

By that decree we declared among other things, with the approval of the said sacred council of Ferrara, that each and every person at Basel who, in the name of a pretended council which we called more accurately a conventicle, dared to perpetrate those scandalous and wicked deeds in contravention of our translation and declaration, whether they are cardinals, patriarchs, archbishops, bishops, abbots or of some other ecclesiastical or secular dignity, has incurred the penalties of excommunication, privation of dignities, benefices and offices and disqualification for the future, which are instanced in our letter of translation.

Now we decree and declare again that all the things done or attempted by those impious men presently in Basel, which were mentioned in our said decree of Ferrara, and each and all of the things done, performed or attempted by the same men since then, especially in the two so-called sessions or rather conspiracies which have just been mentioned, and whatever may have followed from these things or from any of them, or may follow in the future, as coming from impious men who have no authority and have been rejected and reprobated by God, were and are null, quashed, invalid, presumptuous and of no effect, force or moment.

With the approval of the sacred council we condemn and reject, and we proclaim as condemned and rejected, those propositions quoted above as understood in the perverse sense of the men at Basel, which they demonstrate by their deeds, as contrary to the sound sense of sacred scripture, the holy fathers and the council of Constance itself; and likewise the aforesaid so-called sentence of declaration or deprivation, with all its present and future consequences, as impious and scandalous and tending to open schism in God's church and to the confusion of all ecclesiastical order and Christian government.

Also, we decree and declare that all of the aforesaid persons have been and are schismatics and heretics,

¹ See the letter of Pope Nicholas I on the synod of Metz (863), printed by E. Perels in *MGH, Ep. VI*, Berlin 1925, 285.

² See above pp. 517-520.

et ultra penas in prefato Ferrariensi concilio declaratas, tanquam tales cum omnibus eorum fautoribus vel defensoribus, cuiuscunque status, conditionis, et gradus ecclesiastici vel secularis extiterint, etiam si cardinalatus, patriarchali, archiepiscopali, episcopali, abbatiali, aut alia
5 quavis dignitate prefulgeant, ut cum predictis Chore, Datan et Abiron meritam accipiant portionem¹, penis condignis omnino puniendos. Nulli ergo ... Si quis autem ...

SESSIO VIII

22 nov. 1439

[Bulla unionis Armenorum]²

Eugenius episcopus, servus servorum Dei, ad perpetuam rei memoriam. *Exuitate Deo adiuvari nostro, iubilae Deolacob*³*omnes ubique, qui nomine censemini christiano. Ecce enim iterum Dominus *recordatus misericordie sue** alium dissidii lapidem noningentis et amplius inveteratum annis de ecclesia sua auferre dignatus est. *Et qui facit concordiam in sublimibus*³, et in terra pax est hominibus bone voluntatis*, optatissimam Armenorum unionem sua ineffabili miseratione concessit. *Benedictus Deus et pater domini nostri Iesu Christi, pater misericordiarum et Deus totius consolationis, qui consolatur nos in omni tribulatione nostra*¹. Intuens namque piissimus Dominus ecclesiam suam modo ab *bis, qui foris sunt*⁹, modo ab his, qui intra, non parvis agitari turbinibus, ut inter ipsas respirare angustias et ad resistendum fortiores essurgere valeat, multis eam quotidie modis consolari et roborare dignatur.

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1 Cf. Nm 16.
2 Armenicam coevam versionem edimus ex A. Balgy, *Historia doctrinae catholicae inter Armenos unionisque eorum cum Ecclesia Romana in Concilio Florentino*, I Viennae 1878 132 155
* Ps 80, 2. “ Lcl,54. »Ib25,2. · Lc 2,14. 7 2 Cor 1, 3-4. · ITm3,7.’

And that as such they are assuredly to be punished with suitable penalties over and above the penalties imposed at the aforesaid council of Ferrara, together with all their supporters and abettors, of whatever ecclesiastical or secular status, condition or rank they may be, even cardinals, patriarchs, archbishops, bishops or abbots or those of any other dignity, so that they may receive their deserts with the aforesaid Korah, Dathan and Abiram¹. Let nobody therefore ... If anyone however ...

SESSION 8

22 November 1439

[Bull of union with the Armenians]²

Eugenius, bishop, servant of the servants of God, for an everlasting record. All people everywhere who go by the name of Christian: *Exult in God our helper, rejoice in the God of Jacob*⁵. Behold the Lord once again, *mindful of his mercy*⁴, had deigned to remove from his church another stumbling block which has endured for more than nine centuries. *He who makes peace in the heaven and is peace on earth for people of good will*⁶, has granted in his inexpressible mercy that most desired union with the Armenians. *Blessed be the God and Father of our lord Jesus Christ, the father of mercies and God of all comfort, who comforts us in all our tribulation*⁷. For the most merciful Lord, seeing his church buffeted about by strong whirlwinds, some times at the hands of *those who are outside*³, at other times at the hands of those within, deigns in many ways every day to console and strengthen her so that she may be able to breathe freely in the midst of her troubles and to rise more robust to resist.

¹ See Nm 16.

² We print the contemporary Armenian version from A. Balgy, *Historia doctnnae catholicae inter Armenos unionisque eorum cum Ecclesia Romana in Concilio Florentino*, I Vienna 1878, 132-155.

³ Ps80,2. < Lk1,54. ⁵ Job 25,2. ⁶ Lk2,14. ⁷ 2 Cor 1,3-4. ⁸ ITm3.7.

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Nam et pridem magnam illam
Grecorum unionem multas longe
lateque continentium nationes et
linguas, hodie vero hanc ipsam
Armenici populi, qui per septen-
trionem et orientem in magna copia
diffusus est, in eodem fidei et cari-
tatis vinculo cum sede apostolica
stabilivit. Hec profecto tam magna
et mira sunt divine pietatis bene-
ficia, ut non solum pro utroque, sed
ne quidem pro altero, satis dignas
sue maiestati referre gratias possit
intellectus humanus. Quis non ve-
hementer admiretur uno eodemque
tam brevi tempore duo sic preclara
et tot seculis desiderata opera in hoc
sacro concilio fuisse tam feliciter
consummata? Vere *a Domino factum
est istud et est mirabile in oculis nostris*¹.
Que enim hominum prudentia vel
industria, nisi gratia Dei et cepisset
et perfecisset, has tales ac tantas res
explere potuisset? Laudemus iugiter
et toto corde benedicamus Domi-
num, *qui facit mirabilia magna solus*²,
ipsique psallamus spiritu, psallamus
et mente oreque, et opere³, quantum
sinit humana fragilitas, pro tantis
muneribus gratias agamus, orantes
et obsecrantes, ut quemadmodum

1 Ps 117, 23. 1 Ps 135, 4. 3 Cf. 1 Cor 14,15.

Some time ago God established that great union with the Greeks, who include many races and tongues spread far and wide. Today God has confirmed in the same bond of faith and charity with the apostolic see this union with the Armenians, who are a very numerous people spread over the north and east. These indeed are such great and wondrous benefactions of divine providence that the human mind cannot render worthy thanks for either of them, still less for both together. Who would not be overwhelmed with admiration at the achievement in this council, within so short a time, of two such brilliant feats which have been longed for over centuries? Truly *this is the Lord's doing and it is wonderful in our eyes*¹. For how could human prudence or diligence have brought to completion such great exploits as these are, unless the favour of God had given them their beginning and end? Let us, then, together and with all our hearts bless the Lord *who alone does great wonders*², let us sing with the spirit, let us sing with our minds and our mouths and let us give thanks in deeds³, as far as human weakness allows, for such great gifts. Let us pray and beseech that, as

¹ Ps 117, 23. ² Ps 135, 4. ³ See 1 Cor 14, 15.

ipsi Greci atque Armeni unum cum ecclesia Romana effecti sunt, ita riant et ceterae nationes, presertim Christi caractere insignite et totus denique s populus christianus, omnibus odiis bellisque extinctis, mutua invicem pace ac fraterna caritate quiescat et gaudeat.

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Ipsos autem Armenos magnis
io laudum preconiiis dignos esse merito
censemus. Ut primum enim a nobis
ad synodum accersiti sunt¹Itanquam
ecclesiastice avidi unitatis, specta-
biles, devotos et doctos oratores
is suos cum sufficienti mandato de
suspiciendo videlicet *quicquid Spiri-
tus sanctus hanc sanctam synodum illu-
straverit'*, ex remotissimis regionibus

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¹ Eugenius IV iam anno 1433 nuntios ad Graecos et Armenos misit.

² Ex epistola patriarchae Armenorum, *Doc. Com, Flor, de unione orientalium*, ed. G. Hofmann, II Roma 1935,14,3-4.

the Greeks and the Armenians have been made one with the Roman church, so also may other nations be, especially those signed with the seal of Christ, and that finally the whole Christian people, after all hatreds and wars have been extinguished, may rest and rejoice together in mutual peace and brotherly love.

Rightly we hold that the Armenians deserve great praise. As soon as they were invited by us to this synod¹, in their eagerness for ecclesiastical unity, at the cost of many labours and much toil and perils at sea, they sent to us and this council, from very distant parts, their notable, dedicated and learned envoys with sufficient powers to accept, namely *whatever the holy Spirit should inspire this holy synod to achieve*².

¹ Already in 1433 Eugenius IV had sent nuncios to the Greeks and the Armenians.

From the letter of the patriarch of the Armenians, *Doc. Cone. Flor, de unione orientalium*, ed. G. Hofman, II Rome 1935, 14, 3-4.

We, for our part, with all our attention as befits our pastoral office and desiring to bring this holy work to a successful conclusion, frequently conversed with their envoys about this holy union. To avoid even the slightest delay in this holy project, we nominated from every rank of this sacred council experts in divine and human law to treat of the matter with the envoys with all care, study and diligence, closely inquiring of them about their faith in respect of the unity of the divine essence and the Trinity of divine persons, also about the humanity of our lord Jesus Christ, the seven sacraments of the church and other points concerning the orthodox faith and the rites of the universal church.

So, after many debates, conferences and disputations, after a thorough examination of the written authorities which were produced from fathers and doctors of the church, and after discussion of the questions at issue, at length, so that in future there could be no doubt about the truth of the faith of the

ulla in futurum de fidei veritate apud ipsos Armenos hesitatio esse valeat, atque idem per omnia sapiant cum sede apostolica, unioque ipsa stabilis ac perpetua sine ullo scrupulo perseveret, ut sub quodam brevi compendio orthodoxe fidei veritatem, quam super premissis Romana profitetur ecclesia, per hoc decretum, sacro hoc approbante Florentino concilio, ipsis oratoribus ad hoc etiam consentientibus traderemus.

Imprimis ergo damus eis sanctum symbolum a centum quinquaginta episcopis in ycumenico Constanti-nopolitano concilio editum, cum illa additione *Filioque* ipsi symbolo declarande veritatis gratia et urgente necessitate licite ac rationabiliter ap sita cuius tenor talis est: *Credo.. A Hoc* autem sanctum symbolum, sicut apud latinos mos est, ita decernimus per omnes Arme-norum ecclesias intra missarum solennia singulis saltem diebus dominicis et maioribus festivitatis decantari vel legi.

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pbuifp bLU : Quijunu^ LUifpnt.-
pbuJdp bu if^uii^bYiuL.npnL--
pbuifp iun.iu'bg LUiftAliuJb miu-
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iutunpHt-Pfil.^ bi^bqbgnjU
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quppiu qiuhiu p^Jinpbu
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1 Vide supra p. 24, sed addiditj7/«x?».

Armenians and that they should think in every way like the apostolic see and that the union should be stable and lasting with no cause for hesitation whatsoever, we judged it advantageous, with the approval of this sacred council of Florence and the agreement of the said envoys, to give in this decree a summary of the truth of the orthodox faith that the Roman church professes about the above.

In the first place, then, we give them the holy creed issued by the hundred and fifty bishops in the ecumenical council of Constantinople, with the added phrase *and the Son*, which for the sake of declaring the truth and from urgent necessity was licitly and reasonably added to that creed, which runs as follows: / *believe* ...¹ We decree that this holy creed should be sung or read within the mass at least on Sundays and greater feasts, as is the Latin custom, in all Armenian churches.

¹ See above p. 24, but with the addition of *and the Son*.

Secundo tradimus eis diffinitionem quarti' concilii Calcedonensis, in quinto postea et sexto universalibus conciliis renovatam de duabus naturis in una Christi persona, cuius tenor talis est: *Sufficeret* . ?

Tertio diffinitionem de duabus voluntatibus duabusque Christi operationibus in predicto sexto concilio promulgatam, cuius tenor est: *Sufficeret quidem*, et reliqua, que in ipsa diffinitione concilii Calcedonensis superius enarrata sequuntur usque ad finem, post quem sequitur in hunc modum: *Ei duas* . . ?

Quarto, quod iam hactenus ipsi Armeni praeferunt has tres Nicenam, Constantinopolitanam et Ephesinam primam synodos, nullas alias universales postea celebratas, nec ipsum beatissimum huius sancte sedis antistitem Leonem, cuius auctoritate ipsa Calcedonensis synodus extitit congregata, susceperunt, asserentes eisdem fuisse suggestum, tam synodum ipsam Calcedonensem quam memoratum Leonem,

b^bribgft^ Stnjng. iqui-

*lulupuiqiug S ui*b q fiu t u piug ;*

*nf uj iΛΛ h L.[Λ*y i U fi*

iltii-puilltttig'b LULnLfi^ tiL-

*iUL·nL·pΣ U1UJL· <bfig*b bpqb^ Ipuif*

pitPbritbnL·^ ;

P. *bp^pHP^ uilul T^ ungujj*

quiU ziTu/bgb pnpnq i/fiui^ui-

iTuLn- J-nqntfnjb giu qifbqn<Uft

L· q\pbI^bpnpqii jbuiliL-

qtfbgbpnpqj i/fiuζ ui ifm L·n.

7Π/ *[7 7 7] bpl^nL· p*b nL·-*

PfiL·^Σ fi ^Ppfiuuinufi iuhdij,

nnpj ^b^nciEj iujuu^fiufi pus-

Q. *fi jbp-*

i^riL-g ^{LUI^UJ3>

**Ppfiuuinufi *ijb[iit.npbni.pbUAjg*

Qfi fi ifbpnj Luuujgbujj ifbgb-

pnpq (bnqnifnifu jlujuhibue^

nnpj Lujuiqfiufi

*PuJL.LUipU*U Σp bL· qifūui-*

gbujpj np fi jniiie uuS iAUj Ij ^fi fi

*J-nqnifu Siu qipiqn*bP qnp fi*

tfbpnj II^Uj i/fiblu f fr, ^buibi.bu-

gpb ifriiibL· iU n. fi uiqLun.ii' Qbm

nnpj ^buibi-fipi fi unj^biq^u. bt.

bpl^Lg . . .

1. *^nppnpq., qfi i/fri^bL. gujjdif*

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iinLupiti.pjfi bt. bifibunufi tunuj-

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iiflLU\$ LU ifm Lfipb jbuinj

pbui^it nΣ pbq.nubI>pj,

qfAjpj qbpwhb^pb quiju unep

uj^nrinju iU rLUJ^bnpq?u qfb-

L·UJL·Ub nnpj ^ptUITuAAj

*^UJr^b rj.nīrnL· qufi^^n q.nu*b*

a universalis add. p. L Doc. Conc. Flor, de unione orientalium 25

1 Vide supra p. 84, 25 - 87, 2.

1 Vide supra p. 128,12 - 130, 2.

In the second place, we give them the definition of the fourth³ council of Chalcedon about two natures in the one person of Christ, which was later renewed in the fifth and sixth universal councils. It runs as follows: *This wise and saving creed .. ?*

Thirdly, the definition about the two wills and two principles of action of Christ promulgated in the above-mentioned sixth council, the tenor of which is *This pious and orthodox creed*, and the rest which follows in the above-mentioned definition of the council of Chalcedon until the end, after which it continues thus: *And we proclaim ..*,²

Fourth, apart from the three synods of Nicaea, Constantinople and the first of Ephesus, the Armenians have accepted no other later universal synods nor the most blessed Leo, bishop of this holy see, by whose authority the council of Chalcedon met. For they claim that it was proposed to them that both the synod of Chalcedon and the said Leo had made the definition in accordance with the

¹ universal *added as variant reading in Doc. Conc. Flor, de unione orientalium* 25

¹ See above pp. 84-87. ² See above pp. 128-130.

secundum damnatam Nestorii here-
sim diffinitionem fecisse, instruxi-
mus eos et declaravimus huiusmodi
s falsam fuisse suggestionem ipsam-
que synodum Calcedonensem et
beatissimum Leonem sancte et recte
veritatem de duabus in una persona
Christi naturis superius descriptam
diffinivisse contra impia Nestorii et
10 Euticis dogmata, iniunximusque, ut
ipsum beatissimum Leonem, qui
vere fidei columna fuit et omni
sanctitate et doctrina refertus, tan-
quam sanctum et in cathalogo
is sanctorum merito descriptum de
cetero reputent et venerentur, atque
non solum dictas tres synodos, sed
omnes alias universales auctoritate
Romani pontificis legitime celebra-
to tas, sicut et ceteri fideles reverenter
suscipiant.

Quinto ecclesiasticorum sacra-
mentorū veritatem pro ipsorum
Armenorum tam presentium quam
« futurorum faciliiori doctrina sub hac

iptugnjg bt- [i Jnqn^U piilptu^zzL ;
'^luuuii Ep nE
qunuiuj qft uiu^v qbntthi
[biu^ nLunLUU UJjupbpU qtquj-
mujnnqujgii. pwijqfr
q.nuU uijU piuqlpbqnñfr qnpu
jfcbgULf bt. q^bt-uliSAt, pum
if&η.^Λ> 'bbumnpfi 4bpAni_Lui-
b~njñ qu^u \iFLui^U tupuipbui^
Ipuipb^^. βiiΛimi^ηi iingiu bi.
I/h bguiE} qft Iujhiq[iu]fi
unLm^ bqb^U bt_ iquuinpnq.p>,
qujjU bi-u quftL-ñ<n rpnuht ^iuq-
lpbq.nhi^t bt. qbpU/ubp[Al ^bi.-
Z-wtbi/, uppnupbiniTp bt. nt~q-
qm.pbtuiTp ōxiΓtupuint.pbuaAAñ
A JbPknI-9 b ^b 'fiptiu-
tnnufi pñnt.p[ithE, qnp ft i[bpn]
q-pbtup^hi uutçirU Aj bl up
uniptupLmpii 'libumnpfi bt.
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^bpbITp bLit qfj qbput-
^bpb^J k bLtuZ-Li/, np &ZtTujp-
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I[ujpnL^ L9buJL. nftu{^u qunupp
[i muiAj uji^Lullu uppnng iup-
çujITmppU bu unpujj
Ll. iqujuini.bU\ bLu i/jiujñi
UJUJgbujL bppnpq.
rpnuptij' UJJI quij^u^J ujdh^JUJJu
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S ptu|Tu/buj_ Çn.nii'ujj piuQuj-
^^Jjuu^bmftii nLtuififiLp tupuj-
phuj^p^j, npiq^u Ll. uij^ QujI-LU-
iqujuu i^ni-pbujiEp
[Ailpu[gfiij bL unpuj :
b. Zpbqbpnprp. bIjbqbgUj Ipu-
^^3 funp\$pq-ng &xiFuipuirL.-
fujul unguj Çujjngu,
nptq^u fi iibplpuijftgu bt. qnpu

condemned heresy of Nestorius. So we instructed them and declared that such a suggestion was false and that the synod of Chalcedon and blessed Leo holily and rightly defined the truth of two natures in the one person of Christ, described above, against the impious tenets of Nestorius and Eutyches. We commanded that for the future they should hold and venerate the most blessed Leo, who was a veritable pillar of the faith and replete with all sanctity and doctrine, as a saint deservedly inscribed in the calendar of the saints; and that they should reverence and respect, like the rest of the faithful, not only the three above-mentioned synods but also all other universal synods legitimately celebrated by the authority of the Roman pontiff.

Fifthly, for the easier instruction of the Armenians of today and in the future we reduce the truth about the sacraments of the church to the following brief

brevissima redigimus formula1: No-
ve legis septem sunt sacramenta,
videlicet baptismus, confirmatio,
eucaristia, penitentia, extrema unc-
tio, ordo et matrimonium, que
multum a sacramentis differunt
antique legis. Illa enim non causa-
bant gratiam, sed eam solum per
passionem Christi dandam esse fi-
gurabant. Hec vero nostra et con-
tinent gratiam et ipsam digne sus-
cipientibus conferunt. Horum quin-
que prima ad spiritualem unius-
cuiusque hominis in se ipso perfec-
tionem, duo ultima ad totius ecclesie
regimen multiplicationemque ordi-
nata sunt.

Per baptismum enim spiritualiter
renascimur; per confirmationem
augemur in gratia et roboramur in
fide. Renati autem et roborati nutri-
mur divine eucaristie alimonia.
Quod si per peccatum egritudinem
spiritualiter sanamur. Spiritualiter
etiam et corporaliter, prout anime
expedit, per extremam unctionem.
Per ordinem vero ecclesia guber-
natur et multiplicatur spiritualiter,
per matrimonium corporaliter au-
getur.

wjuni. Quid'ujn. uilLinb~
piju SLunu^d'ujJ'p l^bpu^L.',
tnp Lut-pfiXiiugu h / &L funp-
sni.pq.p^ d'!(pinnL.- 5
P^\\M^* tum tupl u ij/h,
wuiujyuiUfini.ptiL.WU' lutànijfù
»fii-uAjrfiug) IfiuptfU hi. u^iæuî^^
qnp pîαψîî,iΓ^ fi funp\$pq.ngu
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nt UfiULU^UJO- fîAJ
C^fLUptupUjhjU pfiULHnUfi LH LUfnJ
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inUWJtu libnu η.ΓnnS.b....
p</ujjiuiuj&u

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l Li Lunuj'bl^'li iTtijpq.nj îfUJifiLu-
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uni pnpip bl^br^brjnhj ζη tpil_kptj

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fiulf sntfbL_npiu ifbpumfi^j
âliiutifuip: l1 rfpn^iüj tpiJpcfLu-
[f SUJLUJmij^ ^bpuuifli bibujf-
'ufuî*J) LUULHΠL.LU&LUJpîi UfLULULU-
piUtiUL. &UJ^Luifh[n&"p pt
fi îbrjiug Sfii-uAjrfni_pbuAj u^iu-
Lnin^biT LU-
pbfn^U
LfiiT ZnîJ-bL-npiUMf^U bl.u
JIUpifuiiuf^uî iffi npuf^u
tipijhp; fi J U nfiî-LuYrfnL--
phtuî\ fi IfUjptfU umnjtf. hî^b-

1 Cf. Thomas Aq.t *De arliculisfidei et ecclesiae sacramentu*, *Opuscula theologica*, I Taurini 1954, 141-151, ex quo hacc formula ex parte desumpta est

schemel. There are seven sacraments of the new Law, namely baptism, confirmation, eucharist, penance, extreme unction, orders and matrimony, which differ greatly from the sacraments of the old Law. The latter were not causes of grace, but only prefigured the grace to be given through the passion of Christ; whereas the former, ours, both contain grace and bestow it on those who worthily receive them. The first five of these are directed to the spiritual perfection of each person in himself, the last two to the regulation and increase of the whole church.

For, by baptism we are reborn spiritually; by confirmation we grow in grace and are strengthened in faith. Once reborn and strengthened, we are nourished by the food of the divine eucharist. But if through sin we incur an illness of the soul, we are cured spiritually by penance. Spiritually also and bodily as suits the soul, by extreme unction. By orders the church is governed and spiritually multiplied; by matrimony it grows bodily.

¹ See Thomas Aquinas, *De articulis fidei et ecclesiae sacramentis* (*On the articles of faith and the sacraments of the church*), *Opuscula theologica*, I Turin 1954, 141-151, from which this synopsis was mostly taken.

Hec omnia sacramenta tribus perficiuntur, videlicet rebus tanquam materia, verbis tanquam forma, et persona ministri conferentis sacramentum cum intentione faciendi, quod facit ecclesia. Quorum si aliquod desit, non perficitur sacramentum.

Inter hec sacramenta tria sunt,
 10 baptismus, confirmatio et ordo, que characterem, id est spirituale quoddam signum a ceteris distinctivum imprimunt in anima indelebile. Unde in eadem persona non reite-
 15 rantur. Reliqua vero quatuor characterem non imprimunt et reiterationem admittunt.

Primum omnium sacramentorum locum tenet sanctum baptismum,
 20 quod vite spiritualis ianua est; per ipsum membra Christi ac de corpore efficimur ecclesie. Et cum per primum hominem mors introierit in universos¹, nisi ex aqua et spiritu renascamur, non possumus, ut inquit Veritas, in regnum celorum introire². Materia huius sacramenti est aqua vera et naturalis, nec refert, frigida sit an calida. Forma autem est: ego
 25 te baptizo in nomine Patris et Filii et Spiritus sancti. Non tamen negamus, quin et per illa verba: baptizetur talis servus Christi in nomine Patris et Filii et Spiritus sancti vel:
 35 baptizatur manibus meis talis in nomine Patris et Filii et Spiritus sancti, verum perficiatur baptisma. Quoniam cum principalis causa, ex

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 m̃iupihjUj LnpUj tuεu ui&b'h:

Hju ujifbhjujñu

pap^n^pq^u bpftL.p ljujtnuipfi
 Ujjuflijp'ij L.p^ L.pp i(LP)
 piul/fit. fippljbpuj, iit
 uuJLuuuu.npfAj ljuj muj ptut.q-
 funp-Zpq-nj pñ,q ^ (iαiωüñptti-
 pbuJifp ujrvbbjnj qnp ujnba^

n[,ng pt

Ipaut ljuuinujpt, pnpSnt-pq!:

h LUJU funpÇpqngu bbbp

bi, J'ltpuini-P[ilMji qpnεifii bu

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Zπ^α-πp HLpuLP jujipf^

piuεblu ñi bluj f, ^nqfiñ iniquui-npfi

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Lnpbhj bL qlijpfjbbjip pñqnL.ñ,fi^j;

\,ujp puñ, quillihjujj^j funp-

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q.bi.np[, questi ε fi uifiuii^ uji-

qujiTp 'Ppfiuinnufi, ht. fi iTujpiñ-

'Unhj jfijujitp blijbqbgñji.; fcc

pñq. ujnuij^ dujpq.nj^

bd'ni.in fi ÆjdblijbubuAj. pulg f,

^pnJ bc. f, Çnqñj ifbpuiipU

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Φ^P pε guLpm jbuji b uj^
 ^bpifü.. ljbpuj^j fjulj bu qpbq

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npq-nj bi. Çnq.'ñjñ, unpn, bujJ

I. <^n.u tu? f,

¹ Cf. Rm 5,12. « Cf. Io 3, 5.

All these sacraments are made up of three elements: namely, things as the matter, words as the form, and the person of the minister who confers the sacrament with the intention of doing what the church does. If any of these is lacking, the sacrament is not effected.

Three of the sacraments, namely baptism, confirmation and orders, imprint indelibly on the soul a character, that is a kind of stamp which distinguishes it from the rest. Hence they are not repeated in the same person. The other four, however, do not imprint a character and can be repeated.

Holy baptism holds the first place among all the sacraments, for it is the gate of the spiritual life; through it we become members of Christ and of the body of the church. Since death came into the world through one person¹, unless we are born again of water and the spirit, we cannot, as Truth says, enter the kingdom of heaven². The matter of this sacrament is true and natural water, either hot or cold. The form is: I baptize you in the name of the Father and of the Son and of the holy Spirit. But we do not deny that true baptism is conferred by the following words: May this servant of Christ be baptized in the name of the Father and of the Son and of the holy Spirit; or, This person is baptized by my hands in the name of the Father and of the Son and of the holy Spirit. Since the

¹ See Rm 5, 12. ² See Jn 3, 5.

qua baptisma virtutem habet, sit sancta Trinitas, instrumentalis autem sit minister, qui tradit exterius sacramentum, si exprimitur actus, qui per ipsum exercetur ministerium, cum sancte Trinitatis invocatione, perficitur sacramentum. Minister huius sacramenti est sacerdos, cui ex officio competit baptizare; in casu autem necessitatis non solum sacerdos vel diaconus, sed etiam laicus vel mulier, immo paganus et hereticus baptizare potest, dummodo formam servet ecclesie et facere intendat, quod facit ecclesia. Huius sacramenti effectus est remissio omnis culpe originalis et actualis, omnis quoque pene, que pro ipsa culpa debetur; propterea baptizatis nulla pro peccatis preteritis iniungenda est satisfactio, sed morientes, antequam culpam aliquam committant, statim ad regnum celorum et Dei visionem perveniunt.

uPPnJ. <^fiup^iri Ipiliinujp^, ; Qnp phrj Iuriiu-

P/rh upuuiâuin'b jnptT£ IT\puinqi.- tiuti.pni.pftCt> UinLujL

[buL²uriLpp pr^nlpbujif ^npbfiipb ftui^ [bui^ UufiUUUI~ Ln[<lj} nP Lupuiui^nj qpiHp^Pi^pqI/* UjUJp^LUUpu

qq-npbii qpp püpj ujpuju^

10

pL^quL-phiu'li Luliint^iuiibfn^U ifuimilUpP Pitrpξπi-p^ñ: Uufui-

yiiuuuju^ npnLU p ipMpnîHi.Π-pnLpb*U£ juipp iTlfpinb^ p iquiui^uinp puk ^Ujp^UJLnp^ n£ l/piUjil £UlsLuilLUjil LUJf ULUp- lfLUL_LUqil, LUJj l/pil^ bLU LU^plLUp- ^LuifLuui bt_ kP^ jppuji-pilj u/hÇiuLLULn bt. ^p&πi^aiwηu

20

ifprnbl tpupfc. piujg uiju^iuii 1-1. ufiuÇbu qblfb-

25

^gnjii bL. LUnAibpijii f^fiUILULn-

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qnpbru-PpiA/li pπqn|.PpiA/ lu/LiilUjif dhqiug ulfqpiilU lpu-

bL bou mtuii9ujÎ>tu rj'b, np i^uju i fiighu/li tthrpuifli || [uj p- Ln^p. Lujunp^i^ iflijp- inl,iu^pYi ijuiub ilhrpugri

t stuiunugiuiibLKj/ Pliibn-uAibf Jiurzuia Jituii qdbquliipifli bt_ uijpu. ppp qnpu uiilpuiip[ii> ^mj rJLin kP wfl. LMP£LUJfil.- PpL.ii bplfiipg bL UJumnLUJ- biujpii lû bunl pbuiiui J-luiTlu- iibii;

holy Trinity is the principle cause from which baptism has its power and the minister is the instrumental cause who exteriorly bestows the sacrament, the sacrament is conferred if the action is performed by the minister with the invocation of the holy Trinity. The minister of this sacrament is a priest, who is empowered to baptize in virtue of his office. But in case of necessity not only a priest or a deacon, but even a lay man or a woman, even a pagan and a heretic, can baptize provided he or she uses the form of the church and intends to do what the church does. The effect of this sacrament is the remission of all original and actual guilt, also of all penalty that is owed for that guilt. Hence no satisfaction for past sins is to be imposed on the baptized, but those who die before they incur any guilt go straight to the kingdom of heaven and the vision of God.

- Secundum sacramentum est confirmatio, cuius materia est erisma confectum ex oieo, quod nitorem significat consciende, et balsamo, qui odorem significat bone fame, per episcopum benedicto. Forma autem est: signo te signo crucis et confirmo te erismate salutis in nomine Patris et Filii et Spiritus sancti.
- io Ordinarius minister est episcopus. Et cum ceteras unctiones simplex sacerdos valeat exhibere, hanc non-nisi episcopus debet conferre, quia de solis apostolis legitur, quorum
- is vicem tenent episcopi, quod per manus impositionem Spiritum sanctum dabant, quemadmodum actuum apostolorum lectio manifestat. *Cum enim audissent, inquit, apostoli, qui*
- 20 *erant Iberosolimis, quia recepisset Samaria verbum Dei, miserunt ad eos Petrum et Iobannem, qui cum venissent, oraverunt pro eis, ut acciperent Spiritum sanctum; nondum enim in quenquam*
- 25 *illorum venerat, sed baptisais tantum erant in nomine domini Ibesu; tunc imponebant manum super illos, et accipiebant Spiritum sanctum*¹. Loco autem illius manus impositionis in ecclesia
- eo datur confirmado. Legitur tamen aliquando per apostolice sedis dispensadonem ex rationabili et urgenti admodum causa simplicem sacerdotem erismate per episcopum
- 35 confecto hoc administrasse confirmationis sacramentum. Effectus autem huius sacramend est, quia in eo datur Spiritus sanctus ad robur, sicut datus est apostolis die penthe-
- 40 costes², ut videlicet christianus audacter Chrisd confiteatur nomen. Ideoque in fronte, ubi verecundie sedes est, confirmandus iniungitur, ne Chrisd nomen confiteri erubescat
- 45 et precipue crucem eius, que *iudeis*
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¹ Ac 8. 14-17. ² Cf. Ac 2.

The second sacrament is confirmation. Its matter is chrism made from oil and balsam blessed by a bishop, the oil symbolizing the gleaming brightness of conscience and balsam symbolizing the odour of a good reputation. The form is: I sign you with the sign of the cross and I confirm you with the chrism of salvation in the name of the Father and of the Son and of the holy Spirit. The ordinary minister is a bishop. Whereas a simple priest can use other unctions, only a bishop ought to confer this one, because it is said only of the apostles, whose place is held by bishops, that they gave the holy Spirit by the imposition of hands, as this text from the Acts of the Apostles shows: *Now when the apostles at Jerusalem heard that Samaria had received the word of God, they sent to them Peter and John, who came down and prayed for them that they might receive the holy Spirit; for it had not yet come down upon any of them, but they had only been baptized in the name of the lord Jesus. Then they laid their hands on them and they received the holy Spirit*¹. In place of this imposition of hands, confirmation is given in the church. We read that sometimes for a reasonable and really urgent cause, by dispensation of the apostolic see, a simple priest has conferred this sacrament of confirmation with chrism prepared by a bishop. The effect of this sacrament is that a Christian should boldly confess the name of Christ, since the holy Spirit is given in this sacrament for strengthening just as he was given to the apostles on the day of Pentecost². Therefore the candidate is enjoined on the forehead, which is the seat of shame, not to shrink from confessing the name of Christ and especially his cross, which *is a stumbling*

¹Ac 8, 14-17. ² See Ac 2.

est scandalum, gentibus autem stultitia'
secundum Apostolum, propter quod
signo crucis signatur.

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Tertium est eucharistie sacramen-
tum, cuius materia est panis triti-
ceus et vinum de vite, cui ante
consecrationem aqua modicissima
admisceri debet. Aqua autem ideo
admiscetur, quoniam iuxta testi-
monia sanctorum patrum ac docto-
rum ecclesie pridem in disputatione
exhibita creditur ipsum Dominum
in vino aqua permixto hoc institu-
isse sacramentum, deinde, quia hoc
convenit dominice passionis repre-
sentationi. Inquit enim beatus Alex-
ander papa, V a beato Petro’: „In
sacramentorum oblationibus, que
intra missarum solemnias Domino

1 1 Cor 1,23. 1 c. 1 D. Π ω cons. (Fr 1» 1314).

block for Jews and a folly for gentiles', according to the Apostle, and for this reason he is signed with the sign of the cross.

The third is the sacrament of the eucharist. Its maner is wheat bread and wine from the vine, to which a very little water is added before the consecration. Water is added thus because it is believed, in accordance with the testimony of holy fathers and doctors of the church manifested long ago in disputation, that the Lord himself instituted this sacrament in wine mixed with water, and because it befits the representation of the Lord's passion. For the blessed pope Alexander, fifth after blessed Peter, says²: 'in the oblations of the sacraments which are offered to the Lord within the solemnities of masses, only bread and

¹ 1 Cor 1, 23. ² c. 1 D. II *de cons.* (Fr 1, 1314).

offeruntur, panis tantum et vinum
 aqua permixtum in sacrificium
 offerantur. Non enim debet in calice
 Domini aut vinum solum aut aqua
 5 sola offerri, sed utrumque permix-
 tum, quia utrumque, id est sanguis
 et aqua ex latere Christi profluxisse
 legitur¹, tum etiam quod convenit
 ad significandum huius sacramenti
 10 effectum, qui est unio populi Chri-
 stiani ad Christum. Aqua enim
 populum significat secundum illud
 apocalypsis: aque multe, populi
 multi². Et Iulius papa, II post bea-
 15 tum Silvestrum, ait³: Calix domini-
 cus iuxta canonum preceptum vino
 et aqua permixtus debet offerri, quia
 videmus in aqua populum intelligi,
 in vino vero ostendi sanguinem
 20 Christi; ergo cum in calice vinum
 et aqua miscetur, Christo populus
 adunatur, et fidelium plebs, in quem
 credit, copulatur et iungitur. Cum
 ergo tam sancta Romana ecclesia a
 25 beatissimis apostolis Petro et Paulo
 edocta quam relique omnes Latino-
 rum Grecorumque ecclesie, in qui-
 bus omnis sanctitatis et doctrine
 lumina claruerunt, ab initio nascen-
 30 tis ecclesie sic servaverint et modo
 servant, inconueniens admodum
 videtur, ut alia quevis regio ab hac
 universali et rationabili discrepet
 observantia. Decernimus igitur, ut
 35 etiam ipsi Armeni se cum universo
 orbe christiano conforment eorum-
 que sacerdotes in calicis oblatione
 paululum aque, prout dictum est,
 vino admisceant. Forma huius sa-
 40 cramenti sunt verba Salvatoris, qui-
 bus hoc confecit sacramentum. Sa-
 cerdos enim in persona Christi
 loquens hoc conficit sacramentum.
 Nam ipsorum verborum virtute

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¹ Œ Io 19, 34. ² Cf. Ap 17,15. ³ c. 7 D. 2 ō coi. (Fr 1, 1315-1317).

wine mixed with water are to be offered in sacrifice. There should not be offered in the chalice of the Lord either wine only or water only but both mixed together, because both blood and water are said to have flowed from Christ's side¹"; also because it is fitting to signify the effect of this sacrament, which is the union of the Christian people with Christ. For, water signifies the people according to those words of the Apocalypse; many waters, many peoples². And Pope Julius, second after blessed Silvester, said³: The chalice of the Lord, by a precept of the canons, should be offered mixed of wine and water, because we see that the people is understood in the water and the blood of Christ is manifested in the wine; hence when wine and water are mingled in the chalice, the people are made one with Christ and the mass of the faithful are linked and joined together with him in whom they believe. Since, therefore, both the holy Roman church taught by the most blessed apostles Peter and Paul and the other churches of Latins and Greeks, in which the lights of all sanctity and doctrine have shone brightly, have behaved in this way from the very beginning of the growing church and still do so, it seems very unfitting that any other region should differ from this universal and reasonable observance. We decree, therefore, that the Armenians should conform themselves with the whole Christian world and that their priests shall mix a little water with the wine in the oblation of the chalice, as has been said. The form of this sacrament are the words of the Saviour with which he effected this sacrament. A priest speaking in the person of Christ effects this sacrament. For, in virtue of those words, the substance of

¹ Sec Jn 19,34. ² See Ap 17, 15.

³ c. 7 D. 2 *de cons.* (Fr 1, 1315-1317).

substantia panis in corpus Christi
et substantia vini in sanguinem
convertuntur. Ita tamen, quod totus
Christus continetur sub specie panis
et totus sub specie vini, sub qualibet
quoque parte hostie consecrate et
vini consecrati separatione facta to-
tus est Christus. Huius sacramenti
effectus, quem in anima operatur
digne sumentis, est adunatio homi-
nis ad Christum. Et quia per gratiam
homo Christo incorporatur et mem-
bris eius unitur, consequens est,
quod per hoc sacramentum in su-
mentibus digne gratia augeatur,
omnemque effectum, quem materia-
lis cibus et potus quoad vitam
agunt corporalem, sustentando, au-
gendo, reparando et delectando,
sacramentum hoc quoad vitam
operatur spiritualem, in quo, ut in-
quit Urbanus papal, gratam Salva-
toris nostri recensemus memoriam,
a malo retrahimur, confortamur in
bono et ad virtutum et gratiarum
proficimus incrementum.

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Urbanus IV, *Epbtola ad omnes praelatos* (Msi 23, 1077).

bread is changed into the body of Christ and the substance of wine into his blood. In such wise, however, that the whole Christ is contained both under the form of bread and under the form of wine; under any part of the consecrated host as well as after division of the consecrated wine, there is the whole Christ. The effect of this sacrament, which is produced in the soul of one who receives it worthily, is the union of him or her with Christ. Since by grace a person is incorporated in Christ and is united with his members, the consequence is that grace is increased by this sacrament in those who receive it worthily; and that every effect that material food and drink produce for corporal life— sustaining, increasing, repairing and delighting — this sacrament works for spiritual life. For in it, as Pope Urban said¹, we recall the gracious memory of our Saviour, we are withdrawn from evil, we are strengthened in good and we receive an increase of virtues and graces.

Urban IV, *Epistola omnes praelatos* (*Letter to all prelates*) (Msi 23, 1077).

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Quantum sacramentum est peni-
tentia, cuius quasi materia sunt actus
penitentis, qui in tres distinguuntur
partes; quarum prima est cordis
5 contritio, ad quam pertinet, ut do-
leat de peccato commisso, cum
proposito non peccandi de cetero.
Secunda est oris confessio, ad quam
pertinet, ut peccator omnia peccata,
10 quorum memoriam habet, suo sa-
cerdoti confiteatur integraliter. Ter-
tia est satisfactio pro peccatis secun-
dum arbitrium sacerdotis, que qui-
dem precipue fit per orationem,
15 ieiunium et elemosinam. Forma
huius sacramenti sunt verba abso-
lutionis, que sacerdos profert, cum
dicit: ego te absolvo. Minister huius
sacramenti est sacerdos habens auc-
20 toritatem absolvendi vel ordina-
riam vel ex commissione superioris.
Effectus huius sacramenti est ab-
solutio a peccatis.

Quintum sacramentum est extre-
25 ma unctio, cuius materia est oleum
olive per episcopum benedictum.
Hoc sacramentum nisi infirmo, de
cuius morte timetur, dari non debet;
qui in his locis ungendus est, in ocu-
30 lis propter visum, in auribus prop-
ter auditum, in naribus propter odo-

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The fourth sacrament is penance. Its matter is the acts of the penitent, which are threefold. The first is contrition of heart, which includes sorrow for sin committed, with the resolve not to sin again. The second is oral confession, which implies integral confession to the priest of all sins that are remembered. The third is satisfaction for sins in accordance with the judgment of the priest, which is ordinarily done by prayer, fasting and almsgiving. The form of this sacrament are the words of absolution which the priest pronounces when he says: I absolve you. The minister of this sacrament is a priest with authority to absolve, which is either ordinary or by commission of a superior.

The fifth sacrament is extreme unction. Its matter is olive oil blessed by a priest. This sacrament should not be given to the sick unless death is expected. The person is to be anointed on the following places: on the eyes for sight, on the ears for hearing, on the nostrils for smell, on the mouth for taste or speech, on

ratum, in ore propter gustum vel locutionem, in manibus propter tactum, in pedibus propter gressum, in renibus propter delectationem ibidem vigentem. Forma huius sacramenti est hec: Per istam unctionem et suam piissimam misericordiam indulgeat tibi Dominus, quicquid deliquisti per visum, et similiter in aliis membris. Minister huius sacramenti est sacerdos. Effectus vero est mentis sanatio et, in quantum anime expedit, ipsius etiam corporis. De hoc sacramento inquit beatus Iacobus apostolus: *Infirmatur quis in vobis, inducat presbyteros ecclesie, ut orent super eum, ungentes eum oleo in nomine Domini; et oratio fidei salvabit infirmum et alleviabit eum Dominus, et, si in peccatis sit, dimittentur ei.*

Sextum est sacramentum ordinis, cuius materia est illud, per cuius traditionem confertur ordo. Sicut presbyteratus traditur per calicis cum vino et patene cum pane porrectionem. Diaconatus vero per libri evangeliorum dationem. Subdiaconatus vero per calicis vacui cum patena vacua superposita traditionem. Et similiter de aliis per rerum ad ministeria sua pertinentium assignationem. Forma sacerdotii est talis: Accipe potestatem offerendi sacrificium in ecclesia pro vivis et mortuis, in nomine Patris

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1 Ic 5,14-15.

the hands for touch, on the feet for walking, on the loins for the pleasure that abides there. The form of this sacrament is: Through this anointing and his most pious mercy may the Lord pardon you whatever you have done wrong by sight, and similarly for the other members. The minister of the sacrament is a priest. Its effect is to cure the mind and, in so far as it helps the soul, also the body. Blessed James the apostle said of this sacrament: *Any one ofyon who is sick should send for the elders ofthe church, and they shallpray over him and anoint him with oil in the name ofthe Lord. The prayer offaith will save the sick person and the Lord will raise him up again: and ifhe is in sins, they will be forgiven him*¹.

The sixth is the sacrament of orders. Its matter is the object by whose handing over the order is conferred. So the priesthood is bestowed by the handing over of a chalice with wine and a paten with bread; the diaconate by the giving of the book of the gospels; the subdiaconate by the handing over of an empty chalice with an empty paten on it; and similarly for the other orders by allotting things connected with their ministry. The form for a priest is: Receive the power of offering sacrifice in the church for the living and the dead, in the name of the Father and of the Son and of the holy Spirit. The forms for the other orders are

¹ Jas 5, 14-15.

et Filii et Spiritus sancti. Et sic de
aliorum ordinum formis, prout in
pontificali Romano late continetur.
Ordinarius minister huius sacra-
5 menti est episcopus. Effectus est
augmentum grade, ut quis sit ydo-
neus Christi minister.

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Septimum est sacramentum ma-
trimonii, quod est signum coniunc-
10 donis Christi et ecclesie secundum
apostolum dicentem: *Sacramentum
hoc magnum est, ego autem dico, in
Cbristo et in ecclesia*¹. Causa efficiens
matrimonii regulariter est mutuus
15 consensus per verba de present!
expressus. Assignatur autem triplex
bonum matrimonii. Primum est
proles suscipienda et educanda ad
cultum Dei. Secundum est fides,
quam unus coniugum alteri servare
debet. Tertium indivisibilitas matri-
monii, propter hoc quod significat
indivisibilem coniunctionem Chrisd
et ecclesie. Quamvis autem ex causa
fornicationis liceat thori separatio-
nem facere, non tamen aliud matri-
monium contrahere fas est, cum
matrimonii vinculum legitime con-
tracti perpetuum sit.

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30 Sexto compendiosam illam fidei
regulam per beatissimum Athana-
sium editam ipsis prebemus oratori-
bus, cuius tenor talis est:

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1 Eph 5,32.

contained in full in the Roman pontifical. The ordinary minister of this sacrament is a bishop. The effect is an increase of grace to make the person a suitable minister of Christ.

The seventh is the sacrament of matrimony, which is a sign of the union of Christ and the church according to the words of the apostle: *This sacrament is a great one, but I speak in Christ and in the church*¹. The efficient cause of matrimony is usually mutual consent expressed in words about the present. A threefold good is attributed to matrimony. The first is the procreation and bringing up of children for the worship of God. The second is the mutual faithfulness of the spouses towards each other. The third is the indissolubility of marriage, since it signifies the indivisible union of Christ and the church. Although separation of bed is lawful on account of fornication, it is not lawful to contract another marriage, since the bond of a legitimately contracted marriage is perpetual.

Sixthly, we offer to the envoys that compendious rule of the faith composed by most blessed Athanasius, which is as follows:

¹ Eph 5, 32.

Whoever wills to be saved, before all things it is necessary that he holds the catholic faith. Unless a person keeps this faith whole and undefiled, without doubt he shall perish eternally. The catholic faith is this, that we worship one God in the Trinity, and the Trinity in unity, neither confounding the persons nor dividing the substance. For there is one person of the Father, another of the Son, and another of the holy Spirit. But the Godhead of the Father, of the Son and of the holy Spirit is one, the glory equal, and the majesty co-eternal. Such as the Father is, such is the Son, and such is the holy Spirit. The Father uncreated, the Son uncreated and the holy Spirit uncreated. The Father infinite, the Son infinite and the holy Spirit infinite. The Father eternal, the Son eternal and the holy Spirit eternal. Yet they are not three eternals, but one eternal. As also they are not three uncreateds nor three infinities, but one uncreated and one infinite. Likewise the Father is almighty, the Son is almighty and the holy Spirit is almighty. Yet they are not three almighties, but one almighty. Likewise the Father is God, the Son is God and the holy Spirit is God. Yet they are not three gods, but one God. Likewise the Father is Lord, the Son is Lord and the holy Spirit is Lord. Yet they are not three lords, but one Lord. For just as we are compelled by the Christian truth to acknowledge each person by himself to be God and Lord, so we are forbidden by the catholic religion to say there are three gods or three lords. The Father is made by none, neither created nor begotten. The Son is from the Father alone; not made nor created, but begotten. The holy Spirit is from the Father and the Son; not made nor created nor begotten, but proceeding. So there is one Father, not three fathers; one Son, not three sons; one holy Spirit, not three holy spirits. And in this Trinity nothing is before or after, nothing is greater or less; but the whole three persons are co-eternal together and co-equal. So that in all things, as has been said above, the unity in Trinity and the Trinity in unity is to be worshipped. Whoever, therefore, wishes to be saved, let him think thus of the Trinity.

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Sed necessarium est ad etemam salutem,
ut incarnationem quoque domini nostri
Ihesu Christi fideliter credat. Est ergo fides
recta, ut credamus et confiteamur, quia do-
5 minus noster IhesusChristus Dei Filius Deus
et homo est. Deus est ex substantia Patris
ante secula genitus, et homo ex substantia
matris in seculo natus. Perfectus Deus, per-
fectus homo, ex anima rationali et hur
10 came subsistens. Equalis Patri secundum
divinitatem, minor Patre secundum humani-
tatem. Qui licet Deus sit et homo, non duo
tamen, sed unus est Christus. Unus autem
non conversione divinitatis in carnem, sed
15 assumptione humanitatis in Deum. Unus
omnino non confusione substande, sed
unitate persone. Nam sicut anima rationalis
et caro imus est ¹, ita Deus et homo
unus est Christus. Qui passus est pro salute
20 nostra, descendit ad inferos. Tertia die re-
surrexit a mortuis. Ascendit ad cclos, sedet
ad dexteram Dei Patris omnipotentis. Inde
venturus est iudicare vivos et mortuos. Ad
cuius adventuñ omnes homines resurgere
25 habent cum corporibus suis, et reddituri
sunt de factis propriis rationem. Et qui bona
egerunt, ibunt in vitam etemam. Qui vero
mala, in ignem etemum.

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It is also necessary for salvation to believe faithfully the incarnation of our lord Jesus Christ. The right faith, therefore, is that we believe and confess that our lord Jesus Christ, Son of God, is God and man. God, of the substance of the Father, begotten before the ages; and man, of the substance of his mother, born in the world. Perfect God, perfect man, subsisting of a rational soul and human flesh. Equal to the Father according to his Godhead, less than the Father according to his humanity. Although he is God and man, he is not two, but one Christ. One, however, not by conversion of the Godhead into flesh, but by the taking of humanity into God. One altogether, not by confusion of substance, but by unity of person. For as a reasoning soul and flesh is one man, so God and man is one Christ. He suffered for our salvation and descended into hell. On the third day he rose from the dead. He ascended into heaven and sits at the right hand of God the Father almighty. Thence he shall come to judge the living and the dead. At his coming all shall rise again with their bodies, and shall give an account of their own deeds. Those who have done good shall go into eternal life, but those who have done evil shall go into eternal fire.

This is the catholic faith. Unless a person believes it faithfully and firmly, he cannot be saved.

Seventhly, the decree of union concluded with the Greeks, which was promulgated earlier in this sacred ecumenical council of Florence and which is as follows: *Let the heavens be glad*

Eighthly, there was discussion with the Armenians about, among other things, the days on which the following feasts should be kept: the annunciation of the blessed virgin Mary, the birth of blessed John the Baptist and, in consequence, the birth and the circumcision of our lord Jesus Christ and his presentation in the temple (or the purification of the blessed virgin Mary). The truth was made quite clear by the testimonies of fathers and by the custom of the Roman church and all other churches among Latins and Greeks. Therefore, lest the rites of Christians be at variance in such great celebrations, whence a threat to charity

¹ See above pp. 524-528.

taris occasio posset oriri, decerni-
mus tanquam veritati et rationi con-
sentaneum, ut iuxta totius reliqui
orbis observantiam ipsi etiam Ar-
5 meni festum annuntiationis beate
Marie die vicesima quinta mardī,
nativitatis beati Iohannis Baptiste
vicesima quarta iunii, nativitatis
vero secundum carnem Salvatoris
io nostri vicesima quinta decembris,
circumcisionis eiusdem prima ianu-
arii, epiphanie sexta eiusdem ianu-
arii, presentation's Domini in templo
seu purificationis Dei Genitricis se-
is eunda februarii debeant solenniter
celebrare.

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His omnibus explicatis predict!
Armenorum oratores nomine suo
et sui patriarche et omnium Arme-
norum hoc saluberrimum synodale
decretum cum omnibus suis capi-
tulis, declarationibus, diffinitioni-
bus, traditionibus, preceptis et sta-
tutis, omnemque doctrinam in ipso
descriptam necnon quicquid tenet
et docet sancta sedes apostolica et
Romana ecclesia, cum omni devo-

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could arise, we decree that, as something consonant with truth and reason, the Armenians too should solemnly celebrate, according to the observance of the rest of the world, the following feasts on the following days: the annunciation of the blessed virgin Mary on 25 March, the birth of blessed John the Baptist on 24 June, the birth of our Saviour on 25 December, his circumcision on 1 January, the epiphany on 6 January, and the presentation of our Lord in the temple (or the purification of the mother of God) on 2 February.

After all these matters had been explained, the aforesaid Armenians, in their own name and in the name of their patriarch and of all Armenians, with all devotion and obedience accept, admit and embrace this salutary synodal decree with all its chapters, declarations, definitions, traditions, precepts and statutes and all the doctrine contained in it, and also whatever the holy apostolic see and

tione et obedientia acceptant, susci-
piunt et amplectuntur. Illos quoque
doctores et sanctos patres, quos
ecclesia Romana approbat, ipsi re-
verenter suscipiunt. Quascunque
vero personas et quicquid ipsa ec-
clesia Romana reprobat et damnat,
ipsi pro reprobatis et damnatis
habent. Profitentes tanquam veri
obedientie filii nomine, quo supra,
ipsius sedis apostolice ordinationi-
bus et iussionibus fideliter obtem-
perare.

Lecto autem solenniter in nostra
et huius sancte synodi presentia
memorato decreto, mox dilectus
filius Narses Armenus¹ nomine ipso-
rum oratorum in ydiomate Armeno
publice hec, que sequuntur, legit,
que incontinenti dilectus filius Basi-
lius ordinis Minorum², noster et
ipsorum Armenorum communis
interpres, publice sermone latino
in hunc modum ex scripto legit:

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¹ Monachus Armenus ab Eugenio IV ad Gregorium archiepiscopum Armenorum Leopoliensem missus est.
² Episcopus Tanensis (Asov).

the Roman church holds and teaches. They also accept with reverence all those doctors and holy fathers approved by the Roman church. Indeed, they hold as reprobated and condemned whatever persons and things the Roman church reprobates and condemns. They promise that as true sons of obedience, in the name as above, they will faithfully obey the ordinances and commands of the apostolic see.

When the aforesaid decree had been solemnly read out in our and the holy synod's presence, straightaway our beloved son Narses, an Armenian', in the name of the said envoys, publicly recited the following in Armenian and thereupon our beloved son Basil of the order of friars Minor¹, the interpreter between us and the Armenians, publicly read it out in Latin as follows.

¹ An Armenian monk sent by Eugenius IV to Archbishop Gregory' of the Armenians of Lwôw.

² Bishop of Tanais (Azov).

Beatissime pater et sanctissima
synode. Totum hoc sanctum decre-
tum, quod nunc latine coram vestra
publice lectum est presentia, fuit
s nobis pridie de verbo ad verbum in
nostro ydiomate clare expositum et
interpretatum, quod quidem optime
nobis placuit ac placet. Ad maiorem
autem nostre mentis expressionem,
io eius effectum summatim repetimus.

In ipso continetur primo, qualiter
populo nostro Armenorum traditis
sanctum symbolum Constantinopo-
litanum, cum illa additione *Filioque*,
15 ut in ecclesiis nostris, diebus saltem
dominiciis maioribusque festivitati-
bus intra missarum solemnias decan-
tari seu legi debeat. Secundo diffi-
nitionem quarti universalis concilii
Calcedonensis de duabus naturis in
una Christi persona. Tertio diffini-
tionem de duabus Christi volunta-
tibus et operationibus in sexto uni-
versali concilio promulgatam.

Quarto declaratis, quod ipsa Cal-
cedonensis synodus et beatissimus
Leo papa recte de duabus in una
persona Christi naturis veritatem
diffinierunt contra impia Nestorii
30 et Euticis dogmata. lubetisque, ut
ipsum beatissimum Leonem tan-
quam sanctum et fidei columnam
veneremur, atque non solum has

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Most blessed father and most holy synod. Recently the whole of this holy decree, which has now been read out in Latin in your presence, was clearly explained and interpreted to us word by word in our language. It was and is completely acceptable to us. To disclose our understanding more fully, however, we repeat its contents in summary.

The following is contained in it. First, you give to our people of the Armenians the holy creed of Constantinople, with the added phrase *and the Son*, to be sung or read within the mass in our churches at least on Sundays and greater feasts. Secondly, the definition of the fourth universal council of Chalcedon about two natures in the one person of Christ. Thirdly, the definition about the two wills and principles of action of Christ which was promulgated in the sixth universal council.

Fourthly, you declare that the synod of Chalcedon and most blessed pope Leo rightly defined the truth about two natures in the one person of Christ against the impious doctrines of Nestorius and Eutyches. You order that we should venerate most blessed Leo as holy and a pillar of the faith and that we should reverently accept not only the synods of Nicaea, Constantinople and the

tres synodos Nicenam, Constan-
tinopolitanam et Ephesinam pri-
mam, sed et omnes alias universales
auctoritate Romani pontificis legi-
time celebratas reverenter suscipia-
mus.

Quinto brevem formulam septem
sacramentorum ecclesie, videlicet
baptismi, confirmationis, eucaristie,
itentie, extreme unctionis, ordi-
nis et matrimonii, declarando, que
sit cuiuslibet sacramenti materia,
forma et minister, quodque in sacri-
ficio altaris, dum calix offertur, vino
paululum aque admisceri debet.

Sexto quandam compendiosam
beatissimi Athanasii fidei regulam,
que incipit: *Quicumque vult salvus esse*
etc.

Septimo decretum unionis con-
clude cum Grecis in hoc sacro con-
cilio pridem promulgatum conti-
nens, qualiter Spiritus sanctus ex
Patre et Filio etemaliter procedit,
et quod illa additio *Filioque* licite et
rationabiliter ipsi symbolo Constan-
tinopolitano fuit apposita. Quodque
in pane triticeo azimo vel fermen-
tato corpus Domini conficitur. Quid
etiam credendum sit de penis pur-
gatorii et inferni ac vita beata et de
suffragiis, que pro defunctis fiunt.

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first of Ephesus, but also all other synods legitimately celebrated with the authority of the Roman pontiff.

Fifthly, a short scheme of the seven sacraments of the church, namely baptism, confirmation, eucharist, penance, extreme unction, orders and matrimony, indicating the matter, the form and the minister of each; and that while the chalice is being offered in the sacrifice of the altar a little water should be mixed with the wine.

Sixthly, a compendious rule of the faith of most blessed Athanasius, which begins: *Whoever -wills to be saved* etc.

Seventhly, the decree of union concluded with the Greeks, which was promulgated earlier in this sacred council, recording how the holy Spirit proceeds eternally from the Father and the Son, and that the phrase *and the Son* was licitly and reasonably added to the creed of Constantinople. Also that the body of the Lord is effected in leavened or unleavened wheat bread; and what is to be believed about the pains of purgatory and hell, about the life of the blessed and about suffrages offered for the dead. In addition, about the plenitude of power

Item de plenitudine potestatis sedis apostolice tradita a Christo beato Petro et suis successoribus atque de ordine patriarchalium sedium.

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Octavo decernitis, ut de cetero Armeni has festivitates infrascriptis diebus more universalis ecclesie celebrare debeant, videlicet annun-
tiationem beate Marie virginis vice-
sima quinta martii, nativitatem beati
Iohannis Baptiste vicesima quarta
iunii, nativitatem Salvatoris nostri
secundum carnem vicesima quinta
decembris, circumcisionis eiusdem
prima ianuarii, epiphanie sexta eius-
dem ianuarii, presentationis Domini
in templo seu purificationis beate
Marie secunda februarii.

Nos igitur oratores nomine no-
stro nostrique reverendi patriarche
et omnium Armenorum, sicut et
vestra sanctitas in ipso decreto
attestatur, hoc saluberrimum syno-
dale decretum cum omnibus suis
capitulis, declarationibus, diffinitio-
nibus, traditionibus, preceptis et
statutis, omnemque doctrinam in

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of the «apostolic see given by Christ to blessed Peter and his successors, and about the order of the patriarchal sees.

Eighthly, you decree that the following feasts should be kept on the following days, in accordance with the custom of the universal church: the annunciation of the blessed virgin Mary on 25 March, the birth of blessed John the Baptist on 24 June, the birth of our Saviour on 25 December, his circumcision on 1 January, the epiphany on 6 January, and the presentation of the Lord in the temple (or the purification of blessed Mary) on 2 February.

Therefore we envoys, in our own name and in the name of our reverend patriarch and of all Armenians, with all devotion and obedience accept, admit and embrace, just as your holiness affirms in the decree, this most salutary synodal decree with all its chapters, declarations, definitions, traditions, precepts and statutes and all the doctrine contained in it, and also whatever the holy

ipso descriptam, necnon quicquid tenet et docet sancta sedes apostolica et Romana ecclesia, cum omni devotione et obedientia acceptamus, suscipimus et amplectimur. Illos quoque doctores et sanctos patres, quos ecclesia Romana approbat, reverenter suscipimus. Quascunque vero personas et quicquid ipsa ecclesia Romana reprobat ac damnat, nos pro reprobatis ac damnatis habemus, profitentes tanquam veri obedientie filii, nomine, quo supra, ipsius sedis apostolice ordinationibus et iussionibus fideliter obtemperare.

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SESSIO IX

23 mart. 1440

[Monitorium concilii Florentini contra Felicem V antipapam]

Eugenius episcopus, servus servorum Dei, ad perpetuam rei memoriam. Multa sanctorum patrum veteris et novi testamenti exempla nos admonent, ut crimina presertim gravia et que in scandalum ac divisionem publicam tendunt populi nobis commissi, neque pretereamus silentio neque ullatenus impunita relinquamus. Si ea enim, quibus vehementer Deus offenditur, insequi vel ulcisci differimus, ad irascendum itaque? divinitatis patientiam provocamus. Nam et culpe nonnullae sunt, in quibus culpa est relaxare vindictam. Iustum quidem est ac rationi consonum iuxta sanctorum patrum sententiam, ut qui divina contemnunt mandata et inobedientes paternis existunt sanctionibus, severioribus corrigantur vindictis, quatenus et ceteri talia committere vereantur, et omnes gaudeant fraterna concordia, cunctiqueb sumant severitatis et honestatis exemplum. Nam si, quod absit, ecclesiasticam sollicitudinem vigoremque negligimus, perdit desidia disciplinam, et ammassus fidelium per maxime nocebitur.

» utique p. L. CF 1/3 4 b antique v. /. CF 1/3 5

apostolic see and the Roman church holds and teaches. We accept with reverence all those doctors and holy fathers approved by the Roman church. Indeed, we hold as reprobated and condemned whatever persons and things the Roman church reprobates and condemns. We promise that as true sons of obedience, in the name of the above, we will faithfully obey the ordinances and commands of this apostolic see.

SESSION 9

23 March 1440

[Monition of the council of Florence against the antipope Felix V]

Eugenius, bishop, servant of the servants of God, for an everlasting record. Many examples of holy fathers of the old and the new Testament warn us that we should not pass over in silence or leave completely unpunished specially grave crimes which lead to the scandal and public division of the people entrusted to us. For if we delay to pursue and avenge what is grievously offensive to God, we thereby provoke the divine patience to wrath. For, there are sins for which it is a sin to be slack about their retribution. It is indeed right and eminently reasonable, in the opinion of holy fathers, that those who despise divine commands and disobey paternal enactments should be corrected with really severe penalties, so that others may fear to commit the same faults and that all may rejoice in fraternal harmony and take note of the example of severity and probity. For if—though may it never be — we are negligent about ecclesiastical vigilance and activity, idleness ruins discipline and the souls of the faithful will suffer great harm. Therefore, rotting flesh should be cut away and mangy sheep driven out

Resecande sunt ergo putride carnes, et scabiosa ovis a grege repellenda est, ne tota domus massa, corpus et pecora ardeant, corrumpantur et pereant.

Nam et Arrius, teste b. Hieronymol, in Alexandria una scintilla fuit, sed quia non est statim oppressus, totum orbem eius flamma depopulata est.

Propterea in persona b. Petri Romano pontiflci a Salvatore nostro ligandi atque solvendi date sunt claves, ut a via veritatis et iustitie tramite delirantes debitis ligentur ac coerceantur poenis; apostolice quippe auctoritatis exemplo didicimus, errantes et alios in errorem mittentes, per censuras ecclesiasticas Satané esse tradendos, ut spiritus eorum salvus fiat ut et tam ipsi quam reliqui blasphemare dediscant², et, ut beatus inquit papa Sixtus', memores simus sub illius nomine presidere ecclesie, cuius confessio a domino Ihesu glorificata est⁴, et cuius fides nullam heresim numquam fovet, sed omnes quidem hereses destruit. Intelligimus autem nobis aliter non licere, quam ut omnes conatus nostros ei cause impendamus, in qua universalis ecclesie salus infestatur.

Sane proximis diebus in generali huius sacri concilii congregatione, in ea nobis presidentibus, dilectus filius magister Iustinus de Planta, legum doctor et fisci nostri advocatus, nomine dilectorum filiorum magistri Iohannis de Prato legum doctoris, ipsius sacri concilii promotoris, et magistri Veitini de Castello, fisci camere apostolice procuratoris in legibus licentiati, publice lamentabilem quandam sub his verbis querelam exposuit:

Quamquam, beatissime pater, vosque alii reverendissimi revcrendique patres, in hoc sacro generali et ycumenico concilio in Spiritu sancto legitime congregato, unam sanctam catholicam et apostolicam Romanam ecclesiam Spiritus sanctus ex persona domini nostri Ihesu Christi in cantico canticorum designet dicens: *Una est columba mea, perfecta mea, et una est matris sue, electa genetricis** et vas electionis apostolus Paulus hanc ecclesie unitatem ipsiusque unitatis sacramentum ostendat, inquit: *Unum corpus et unus spiritus*, una spes vocationis, *unus Dominus, et una fides, unum baptisma et unus Deus*¹ et ut b. Cyprianus ait: *unum caput est et una origo*, et una nostre fecunditatis causa *adulterari non potest, Christi jpona incorrupta et pudica est, unam domum naritl*, cuius cubilis sanctitatem casto pudore custodit. Et alio loco idem Cyprianus: *Non habet ecclesiasticam ordinationem, qui ecclesie non tenet unitatem**. Et ut Pelagius papa' ex verbis preclarissimis doctoris ecclesie b. Augustini asserit, quoniam ecclesia nulla esse non potest, restat, ut ea sit, que est in apostolice sedis per successorem² episcoporum radice constituta, nihilominus ab ipsis, ut ita dixerim, ecclesie incunabilis quorundam pestiferorum hominum effrenata libido hanc sanctam unitatem ecclesie scindere et lacerare tentât, adversus quos divina ultio et sanctorum patrum postea auctoritas insurrexit.

Quisquis ergo hanc sanctam et immaculatam ecclesie unitatem ausu sacrilego et diabolica persuasionem temerare presumpserit, hic, ut sacri canones edocent, *alienus est, prophanus est*,

² successionem f. l. *CF* 1/3 6

¹ Hieronymus, *Commentaria in ep. ad Galatas*, III 5, 9 (PL 26, 403).

[>] Cf. 1 Cor 5, 5; 1 Tm 1, 20. ' Sixtus II (Hinschius 189). ⁴ Cf. Mt 16, 17.

» Cn 6, 8. · Eph4,4-6.

⁷ Ciprianus, *De unitate ecclesiae* 6 (CSEL 3/1, 214; PL 4, 518-519).

¹ Ciprianus, *De un. eccl.* 4 (CSEL 3/1, 213; PL 4, 516).

• Pelagius, *Ep. ad episcopos Tusciae* (PL 69, 398).

of the flock, so that the whole body or flock may not be infected and perish.

For Arius, as blessed Jerome writes¹, was a spark in Alexandria but, because he was not immediately extinguished, his flame ravaged the whole world.

Hence, the keys of binding and loosing were given by our Saviour to the Roman pontiff in the person of blessed Peter, so that those who madly abandon the way of truth and justice may be bound to their obligations and restrained by penalties. We have learnt from the example of apostolic authority that those who err and lead others into error are to be handed over to Satan by ecclesiastical censures, so that their spirit may be saved and others may learn not to blaspheme² and that we, as the blessed pope Sixtus said³, may remember that we preside over the church in the name of him whose confession was glorified by the lord Jesus⁴*and whose faith never encourages heresy but indeed destroys all heresies. We understand that no other course is open to us than to bend our every effort against that cause by which the safety of the universal church is threatened.

Indeed, recently in a general congregation of this sacred council at which we were presiding, our beloved son Master Justin de Planta, doctor of laws and advocate of our treasury, in the name of our beloved sons Master John de Prato, doctor of laws and promoter of this sacred council, and Master Veitino de Castello, procurator of the treasury of the apostolic camera and licentiate in laws, publicly set forth a sad plea in these words:

Most blessed father and you other most reverend and reverend fathers legitimately assembled in the holy Spirit in this sacred general and ecumenical council. The holy Spirit, on behalf of our lord Jesus Christ, indicates the one, holy, catholic and apostolic church in the words of the Cantic of Canticles: *My dove, my perfect one, is only one; she is the only one of her mother, the chosen of her that bore her*. The apostle Paul, that vessel of election, shows this unity of the church and the sacrament of its unity, saying: *One body and one spirit, one hope of our calling, one Lord and one faith, one baptism and one God*⁵. Blessed Cyprian says: *There is one head and one source, and the one cause of our fecundity cannot be adulterated; the spouse of Christ is uncontaminated and modest, knowing only one home*⁷*, and she guards the sanctity of their marriage bed with chaste modesty. In another place the same Cyprian says: *A man does not have ecclesiastical ordination if he does not hold the unity of the church*³. Pope Pelagius⁹ asserts from the famous words of blessed Augustine, doctor of the church: since the church cannot be nothing, it must be the one which is established in the root of the apostolic see by the successor³ of the bishops. The unbridled lust of various pestilential people has tried, from the very cradle of the church, to rend and tear this holy unity of the church; but the divine vengeance and later the authority of holy fathers has risen against them.

Whoever, therefore, dares to defile this holy and spotless unity of the church with sacrilegious daring and diabolical persuasion *is*, as the canons teach, *an alien, profane and an enemy*.

¹ succession *variant reading in CF 1/3 6*.

¹ Jerome, *Commentaria in ep. ad Galatas (Commentary on the letter to the Galatians)*, III 5, 9 (PL 26, 403).

- See 1 Cor 5, 5; 1 Tm 1, 20. ³ Sixtus II (Hinschius 189). ⁴ See Mt 16, 17.

⁵ Sg 6, 8. ⁶ Eph 4, 4–6.

⁷ Cyprian, *De unitate ecclesiae (On the unity of the church)* 6 (CSEL 3/1, 214; CChr 3, 253; PL 4, 518-519).

» Cyprian, *De un. eccl. (On the unity of the church)* 4 (CSEL 3/1, 214; CChr 3, 252; PL 4, 516).

⁹ Pelagius, *Ep. ad episcopos Tusciae (Letter to the bishops of Tuscany)* (PL 69, 398).

*bostis esi. Habert nsn potest Dem patrem*¹, qui universalis ccdesic non tenet urutatem; non potest cum aliquo convenire, qui cum corpore ipsius ecclesie et cum universa fraternitate non convenit. Si aurem, cum propter ecclesiam Christus passus sit, et ecclesia sit corpus Christi» non est dubium, quod qui ecclesiam dividit, Christi corpus lacerare convincitur*. Hinc in schismaticos illa vindicta Domini voluntate profecta, ut Chore, Dathan et Abiron, 5 contra virum Dei Moyseo schisma facientes, hiatu terre una absorpti sunt, ceteris celesti igne consumptis³; idololatria vero gladio punita est⁴, et exustio libri bellica cede et peregrina captivitate vindicata⁴.

Denique quam sit inseparabile unitatis sacramentum, et quam sine spe sint» perditionem- que sibi maximam de indignatione Dei acquirant, qui schisma faciunt, et relicto vero ecclesie 10 sponso, sibi pseudoepiscopum constituunt, in libris regum scriptura divina declarat, ubi, cum a tribu Iuda et Benjamin decem tribus scisse fuissent, et relicto suo rege, alterum sibi foras constituissent, *indignatus est*, inquit» *Dominus omni semini Israel, et dedit eos in direptionem, donec obticeret eos a facie* ^{sh}*J*. Indignatum Dominum esse dixit, et eos in perditionem dedisse» qui ab unitate dissipati» alterum sibi regem constituissent, et tanta indignatio Domini extitit 15 adversus illos, qui schisma fecerant, ut etiam cum homo Dei ad Icroboam missus esset» qui ea peccata sua exprobaret atque ultionem futuram prediceret, panem apud illos edere et aquam bibere vetaretur; quod cum non eustodisset, et contra preceptum Domini prandisset, stadm divina censura percussus est, ut inde regrediens, impetu ac morsu Iconis in itinere necaretur⁷. Ex quibus, ut b. Hieronymus asserit⁴, nullus iam dubitaverit, facinus 20 schismatis sceleratius esse lissum, cum sit gravius vindicatum.

Sane cum olim in sacro generali concilio Constantiensi veteranum illud ac perniciosissimum schisma, quod ecclesiam Dei et christianam religionem magno cum animarum interitu» et non solum hominum, sed multarum quoque urbium et provinciarum strage crudeli et diuturno morbo afflixerat atque vexaverat, fuisset per omnipotentis Dei ineffabilem miseri- 25 cordiam, multorumque regum et principum tam ecclesiasticorum quam secularium, multarum insuper universitatum, aliorumque Christi fidelium infinitis laboribus et angustiis, expensarumque profluviis tandem aliquando sedatum, et universalis ecclesia, tam per electionem felicis recordationis domini Martini quam post eius obitum per indubitatum, sinceram, unanimem atque canonicam sanctitatis vestre ad apostolatus apicem assumptio- 30 nem, crederetur optata cunctis pace gaudere.

Ecce rursus cum Ieremia propheta multis cum lacrimis dicere compellimur: *expectarimus pacem, et ecce turbatio*[^]. Et iterum cum Isaia: *expectarimus lucem, et ecce tenebret**. Nonnulli siquidem perditionis filii et iniquitatis alumni, pauci numero, et auctoritate leves, Basilee etiam post translationem concilii, quod ibidem aliquandiu viguerat» per sanctitatem vestram 35 iustis et evidentibus, urgentibus et necessariis ex causis, canonice et legitime factam, primo sanctissimam et universo populo christiano desideratissimam Grecorum et totius orientalis ecclesie unionem totis viribus ac omni dolo, astu et fallacia impedire conati sunt.

Nam cum predicti scandalorum patratores, qui Basilee remanserant, ipsis Grccis in promissione defecissent, et ab ipsorum Grecorum et orientalis ecclesie oratoribus percepissent» serenissimum principem dominum Iohannem Palcologum Romcorum imperatorem et bone memorie Ioseph Constantinopolitanum patriarcham, cum aliis plurimis prelatis ceterisque orientalis ecclesie viris ad locum pro celebrando ycumenico concilio electum esse venturos, ac sanctitatem vestram plures prelatos et oratores cum nonnullis galeis multisque cum sumptibus et expensis destinasse, ad disturbandum prefatorum imperatoris et 45 Grecorum adventum, quoddam detestabile monitorium contra sanctitatem vestram et reverendissimos dominos meos dominos sancte Romane ecclesie cardinales decernere ausi sunt»

¹ Gprianus» *De un. eccl.* 6 (CSEL 3/1,214; PL 4, 519); c 18 G XXIV q. 1 (Fr 1, 972).

* Gprianus, *De un. eccl.* 18 (CSEL 3,1226; PL 4, 530).

³ Cf. Nm 16, 31-35. ⁴ G. Ex 32» 25-29. ⁴ Cf. Ir 36. ⁴ 4 Rg 17, 20.

⁷ G. 3 Rg 13. ⁸ Augustinus, *De baptismo unico contra Donatistas* (PL 43, 132).

• Ir 8,15. ¹⁰ Is 59, 9.

He cannot have God as his father’ if he does not hold the unity of the church; he who does not agree with the body of the church and the whole brotherhood, cannot agree with anyone. Since Christ suffered for the church and since the church is the body of Christ, without doubt the person who divides the church is convicted of lacerating the body of Christ²³ Hence the avenging will of the Lord went forth against schismatics like Korah, Dathan and Abiram, who were swallowed up together by an opening in the ground for instigating schism against Moses, the man of God, and others were consumed by fire from heaven, idolatry indeed was punished by the sword¹; and the burning of the book was requited by the slaughter of war and imprisonment in exile⁵.

Finally, how indivisible is the sacrament of unity! How bereft of hope, and how punished by God’s indignation with the direst loss, are those who produce schism and, abandoning the true spouse of the church, set up a pseudo-bishop! Divine scripture declares this in the book of Kings, which says that when ten tribes had separated themselves from the tribe of Judah and Benjamin and abandoned their king, setting up for themselves another king: *the Lord was indignant with all the descendants of Israel and gave them over to destruction till he cast them away from his face*⁶. It says that the Lord was indignant and gave over to destruction those who split off from unity and set up for themselves another king. Indeed, so great was the wrath of God against those who had brought about a schism that even when the man of God had been sent to Jeroboam to reprove his sins and to predict a future vengeance, the man of God was forbidden to eat bread with them or to drink water and when he did not obey this order of the Lord and dined, straightaway the divine retribution struck him and he was killed by a lion on his return journey⁷. Hence, as blessed Jerome declares⁸, nobody should doubt that the crime of schism is very wicked since it is avenged so severely.

In days gone by, in the holy general council of Constance, that chronic and disastrous schism, which had cruelly and daily afflicted God’s church and the Christian religion with great loss of souls, not only of individual persons but also in entire cities and provinces, was at last settled by the ineffable mercy of God and the unbounded labours and hardships of many kings and princes, both ecclesiastical and secular, many universities and others of Christ’s faithful, and at great expense. With the election of lord Manin of happy memory and, after his death, the undisputed, genuine, unanimous and canonical elevation of your holiness to the summit of the apostolate, the universal church seemed to be enjoying a greatly desired peace.

But behold! Again we are compelled with copious tears to say with Jeremiah the prophet: *we looked for peace, but behold disturbance*⁹. And again with Isaiah: *we looked for light, but behold darkness*¹⁰. Some sons of perdition and disciples of iniquity, who were few in numbers and of little authority, tried at Basel with all their strength, guile and cunning, even after the translation of the former council which had been made canonically and legitimately by your holiness for just, evident, urgent and necessary reasons, to prevent the most holy union with the Greeks and the whole eastern church, which -was ardently desired by the whole Christian people.

For after the said authors of the scandals who remained in Basel had failed to fulfil their promise to the Greeks, when they learnt from the envoys of the Greeks and the eastern church that the most serene prince lord John Palaeologus, emperor of the Romans, and Joseph, patriarch of Constantinople of happy memory, with many other prelates and men of the eastern church were about to come to the place chosen for the ecumenical council, and that your holiness had despatched many prelates and envoys with galleys at great expense and outlay, they dared to decree, with a view to preventing the arrival of the said emperor and Greeks, a detestable monition against your holiness and my most reverend lords, the lord cardinals of the holy Roman church.

¹ Cyprian, *De un. eccl. (On the unity of the church)* 6 (CSEL 3/1, 214; CChr 3, 253; PL 4, 519); c. 18 C. XXIV q. 1 (Fr 1, 972).

² Cyprian, *De un. eccl. (On the unity of the church)* 18 (CSEL 3, 1226; CChr 3, 262; PL 4, 530).

³ See Nm 16, 31-35. ⁴ See Ex 32, 25-29. ⁵ See Jer 36. ⁶ 4 Kg 17, 20.

⁷ See 3 Kg 13.

⁸ Augustine, *De baptismo unico contra Donatistas (On one baptism against the Donatists)* (PL 43, 132).

⁹ Jer 8, 15. ¹⁰ Is 59, 9.

et ex post, cum prodictos imperatorem et patriarcham aliosque orientales venire percepissent, quamdam sacrilegam suspensionis ab administratione papatus contra vestram sanctitatem de facto sententiam protulerunt.

Quibus aliisque eorum nefariis conatibus ausibusque sacrilegis non obstantibus, cum vestra huiusque sacri concilii pervigili cura multisque laboribus assumptis variisque disputationibus adhibitis, tandem divina misericordia concessisset, ut predictum Grecorum et orientalis ecclesie schisma, quod per quingentos ferme annos maxima cum totius populi iactura christiani duraverat, de medio ecclesie tolleretur, et optatissima unio, que fieri vix posse credebatur, occidentalis et orientalis ecclesie, summa cum concordia sequeretur, ex tam sanctis vestris et huius sacri concilii operibus, qui potius vehementissime admirari et summis cum laudibus et exultationis iubilo, prout tota reliqua Christiana religio fecerat, venerari debeant, et gratias Altissimo de tam admirabili dono referre, crudeliores et obstinatiores effecti, volentes potius predikte nequissime belhice eorum iam conceptum incendium, cum totius reipublice christiane ruina, ad executionem deducere, in reprobum sensum dati, fame sue prodigi, et proprii persecutores honoris prefeciti temeritate pestifera unitatem sancte Romane et universalis ecclesie ac inconsutilem Domini tunicam!*, quantum in eis est, scindere moliti sunt, et ipsius pie et sancte matris uterum viperinis morsibus dilaniare.

Horum dux et princeps ac totius tam nefarii operis architectus extitit primogenitus ille satané, infelicissimus Amedeus, olim Sabaudie dux et princeps', qui iam diu ista animo suo premeditans, et, ut a plerisque asseritur, prestigiis, sortilegiis, ac phantasmatis nonnullorum infelicium hominum ac muliercularum, qui suo Salvatore relicto, retro post saunam conversi, demonum illusionibus seducuntur, qui vulgari nomine stregnes vel stregones seu waldenses nuncupantur, et quorum in patria sua permagna copia esse narratur, seductus dudum ance aliquos annos, ut monstruosum se caput in Dei ecclesia erigi aliquando faceret, eremite habiti vel potius falsissimi hypocrite assumpsit, ut sub ovina pelle, agni specie, lupi feritatem induceret³, ac demum procedente tempore ipsis Basilee existentibus confederatus, vi, fraude, pretio, pollicitationibus et minis magnam ipsorum Basileensium partem, que sue ditioni seu tyrannidi subdita erat, ut se in idolum et Beelzebub, ipsorum novorum demoniorum principem adversus sanctitatem vestram, verissimum Christi vicarium et Petri successorem indubitatum in Dei ecclesia indixit.

Itaque eundem infelidissimum Amedeum insatiabilis et inaudite cupiditatis hominem, et quem semper avaritia, que secundum Apostolum est *idolorum servitus*⁴, excecavit, illa sceleratissima synagoga, perditissimorum hominum colluvies, et totius christianitatis erubescenda sentina, certis ad hoc nefandissimis hominibus vel potius demonibus sub hominum specie et figura latentibus pro electoribus seu verius prophanatoribus deputatis tandem in idolum et veluti quandam Nabuchodonosor statuam in Dei ecclesia erexit³, ipseque etiam suorum facinorum furiis agitatus, in profundum malorum omnium descendens, more Luciferi *Ponam*, inquit, *sedem meam in aquilone, et ero similis Altissimo**. Et sic predictam electionem, immo verius prophanationem de se factam, que per prius tanto mentis estu et animi anxietate quesiverat, summa et detestabili aviditate amplectens, papalia indumenta, ornamenta et insignia assumere et induere, ac pro Romano et summo pontifice se gerere, tenere et exercere, et a quibusdam pro tali venerari se facere non exhorruit, et insuper litteras suas bulla plumbea Romanorum pontificum more bullatas, in quibus se Felicem, cum sit omnium mortalium infelicissimus, appellat, et cum quibus in plebem Christi diversa suarum partium venena conatur effundere, ad quamplura et diversa mundi loca scribere et destinare similiter non expavit.

Quid hic primum querar, beatissime pater et sacratissima synode, aut quid primum accusem, aut qua vi vocis, qua gravitate verborum, quo dolore animi, quo nimbo, aut qua orationis procella tantum facinus deplorem? Que oratio tanta affluentie ubertate decurrens

¹ Ciprianus, *De un. eccl.* 7 (CSEL 3/1, 215-216; PL 4, 520).

³ Amedeus VIII dux Sabaudiae. ³ Cf. Mt 7,15. ⁴ Eph 5, 5.

» Cf. Dn 3, 1. · Is 14,13-14. .

Afterwards, when they learnt that the said emperor and patriarch and other easterners were coming, they issued against your holiness a kind of sacrilegious decree of suspension from the administration of the papacy.

Despite these and other wicked attempts and sacrilegious acts, on account of the constant solicitude displayed by you and this sacred council and after great labours and many disputations, at last the divine mercy granted that the above-mentioned schism of the Greeks and the eastern church, which had lasted for almost five hundred years to the great harm of the whole Christian people, should be removed from the midst of the church and that the most desired union of the western and the eastern church, which was hardly thought possible, should follow with the utmost harmony from your and this sacred council's holy work. This ought to be greatly admired and venerated with the highest praise and the joy of exultation, as all the rest of the Christian religion had done, and thanks should be returned to the most High for so admirable a gift. But they became more hard-hearted and obstinate, preferring even at the cost of ruining the whole Christian world to fan into flames the conflagration, which they had already begun, of their aforesaid most wicked monster. They adopted an attitude of opposition and, prodigal of their good name and enemies to their own honour, they strove to their utmost with pestilential daring to rend the unity of the holy Roman and universal church and the seamless robe of Christ¹, and with serpentlike bites to lacerate the womb of the pious and holy mother herself.

The leader and prince of these men and the architect of the whole nefarious deed was that Grst-bom son of Satan, the most unfortunate Amadeus, once duke and prince of Savoy². He meditated this scheme for long. Several years ago, as is widely said, he was seduced by the trickery, soothsayings and phantoms of certain unfortunate men and women of low reputation (commonly called wizards or witches or Waldensians and said to be very numerous in his country), who had forsaken their Saviour to turn backwards to Satan and be deceived by demonic illusions, to have himself raised up to be a monstrous head in God's church. He adopted the cloak of a hermit, or rather of a most false hypocrite, so that in sheep's clothing, like a lamb, he might assume the ferocity of a wolf³. Eventually he joined the people at Basel. By force, fraud, bribery, promises and threats he prevailed on the majority of those at Basel, who were subject to his sway and tyranny, to proclaim him as an idol and Beelzebub, the prince of these new demons, in opposition to your holiness, the true vicar of Christ and the undoubted successor of Peter in God's church.

Thus that most ill-starred Amadeus, a man of insatiable and unheard of greed, whom avarice (which, according to the Apostle, is *the service of idols*⁴) has always blinded, was set up as an idol and like a statue of Nebuchadnezzar⁵ in God's church by that most wicked synagogue, those offscourings of forsaken men, that shameful cesspool of all Christianity, from among whom certain heinous men, or rather demons hiding under the form of men, had been deputed as electors or rather as profaners. He himself, agitated by the furies of his own crimes and sinking into the depth of all evils, said after the manner of Lucifer: *I will set my throne in the north and I shall be like the most High*⁶. He grasped with avid and detestable greed at the above-mentioned election, or rather profanation made of him, which he had earlier sought with intense fever of mind and anguish of heart. He did not shrink from adopting and wearing papal robes, ornaments and insignia, from behaving, holding himself and acting as Roman and supreme pontiff, and from having himself venerated as such by the people. Further, he was not afraid to write and despatch to many parts of the world letters which were sealed with a leaden seal after the manner of the Roman pontiffs. By these letters, in which he calls himself Felix even though he is the most unhappy of mortals, he tries to spread the poisons of his faction among the people of Christ.

What complaint or accusation am I to make first, most blessed father and most holy synod? With what force of speech, grief of mind or outpouring of words am I to deplore so great a crime? What rich discourse could suitably bewail or express this most foul deed? Assuredly no

¹ Cyprian, *De un. eccl. (On the unity of the church)* 7 (CSEL 3/1, 215-216; CChr 3, 254; PL 4, 520).

² Duke Amadeus VIII of Savoy.

³ See Mt 7, 15.

⁴ Eph 5, 5.

⁵ See Dn 3, 1.

⁶ Is 14, 13-14.

scelus hoc teterrimum, nedum sitis digne defleverit, seu expresserit? Non potest profecto hec res pro magnitudine facinoris enarrari. Vincit namque officium lingue tanti sceleris magnitudo.

Sed» ut video, beatissime pater et reverendissimi reverendique patres, iam tempus est magis remedii quam querele. 5

Ecce enim sancta mater ecclesia» que in persona sanctitatis tue, sui indubitati sponsi, sincera per prius unitate et pace gaudebat, reseratis lacrimarum fontibus, multis cum suspiriis ac singultibus ad te sponsum suum, ad vos reverendissimos et reverendos patres, qui estis in parte sollicitudinis» et ad hoc sacrum et ycumenicum concilium evocati, clamare et vociferare compellitur: *miseremini mei, miseremini mei, saltem evs amid meil*. Viscera namque 10 mea amaritudine sunt repleta³. Nam vineam Dei Sabaoth vulpes exterminant³, et Christi inconsutilem tunicam⁴ impii lacerant. *Extergat ergo Deus, et dissipentur omnes inimici eius*⁵. Et tu, beatissime pater, cum omnia adeo manifesta sint predicta, publica et notoria, quod nulla possint tergiversatione celari nec excusatione defendi, in virtute Altissimi, una cum hoc sacro concilio, consurge» et iudica causam sponse tue, et memor esto filiorum tuorum. 15 *Accingere gladio tuo super femur tuum, potentissime. Intende, prospere procede, et regna*, et dic una cum psalmista: *persequar inimicos meos et conteram, et non revertar, donec consumam eos. Consumam et confringam, et non consurgent, cadent sub pedibus meis*⁵. Nec enim decet tam nefarium facinus abominandumque portentum sub dissimulatione transire, ne forte impunita temeritas atque malitia inveniat successorem» sed potius punite transgressionis exemplar retrahat alios ab 20 offensa.

Exemplo itaque ipsius Moysi viri Dei sanctitatem vestram et hanc sanctam synodum universe plebi christiane dicendum est: *recedite a tabernaculis hominum impiorum*⁹.

Exemplo etiam beatissimi Leonis pape predecessoris tui» qui secundam Ephcsinam synodum^{1*} submovit et Dioscorum suosque fautores et sequaces in Chalcedonensi, quam 25 postea instituit, synodo condemnavit¹¹, aliorumque summorum pontificum predecessorum tuorum, qui semper insurgentes in Dei ecclesia hereses et schismata cum ipsorum auctoribus, fautoribus, sequacibus, a Dei ecclesia et communione fidelium, sacratissimo Christi corpore» eliminarunt» et aliis multiplicibus et condignis penis, exigente iustitia, afflixerunt.

Hanc novam rabiem in tuam et sancte Romane ecclesie sponse tue iniuriam et totius 30 christiani populi apertissimum scandalum conflata» hoc sacro ytumenico approbante et auxiliante concilio, condigna penarum exaggeratione ulciscere, et predictos impios tam prodigiosi sceleris patratores una cum eorum heresiarcha infelicissimo et vero in Dei ecclesia antichristo, cumque omnibus eorum fautoribus adherentibus et sequacibus, et presertim nefandissimis eius electoribus seu verius prophanatoribus» 35

omnipotentis Dei et beatorum Petri et Pauli apostolorum eius et tua auctoritate, perpetuo anathemate a liminibus sancte Dei ecclesie remove et segrega. Abiciatur ipse omnesque predicti sicut antichristus et invasor et destructor totius christianitatis, nec aliqua ei omnibus- 40 que predicts super hoc aliquando audientia reservetur, sintque ab omni ecclesiastico et mundano gradu et dignitate quacumque ipsi eorumque posteri et successores sine redamatione privati, omnesque perpetuo anathemate et excommunicatione damnati existant, et cum impiis, qui in iudicio non resurgent¹²» computentur, omnipotentis Dei contra se iram sentiant et sanctorum apostolorum Petri et Pauli, quorum prsumant ccdcsiam confundere, in hac vita et in futura furorem sentiant, *fiat habitatio eorum deserta, et in eorum habitaculis nullus inhabitet*^{1*}. *Fiant filii eorum orpbani et uxores eorum viduae*TM. Orbis terrarum pugnet contra eos¹⁴, 45 et omnia sint eis elementa contraria, adeo quod abiciantur, exterminentur, et abominentur ab omnibus, ut eis perpetua egestate sordentibus sit merito mors solatium et vita supplidum,

Mb 19, 21. 2 Cf. Rt 1, 20. 2 Cf. Cn 2, 15. 4 Cf. Io 19, 23. 4 Ps 67, 2.

• CE Ps 73, 22. 7 Ps 44, 4-5. 1 2 Rg 22, 38-39; Ps 17, 38-39. • Nm 16, 26.

10 Latrocinium Ephesinum. 11 Vide supra pp. 8*3-87. 12 CL Ps 1, 5.

u Ps 68, 26. Ps 108, 9. 24 Cf. Sap. 5, 21.

account can equal the grossness of the act, for the magnitude of so heinous a crime transcends the power of speech.

But, as I see it, most blessed father and most reverend and reverend fathers, now is the hour not for lament but for remedy.

For behold, holy mother church was basking in true unity and peace, in the person of your holiness her undoubted spouse, when the fountain of tears was opened. To you, her spouse, and to you most reverend and reverend fathers, who share in solicitude and have been summoned to this sacred and ecumenical council, she is forced to cry and shout with many sighs and sobs: *Have pity on me, have pity on me, at least you my friends*¹. For my bowels are full of bitterness². For the foxes destroy the vineyard of the God of hosts³, and the impious rend the seamless robe of Christ⁴. *Let God therefore arise, let all his enemies be scattered*⁵. And you, most blessed father, since all these things are so manifest, public and notorious that they cannot be hidden by any evasion or defended by excuses, arise in the power of the most High, together with this sacred council, and judge the cause of your spouse and be mindful of your sons⁶. *Gird your sword upon your thigh, O mighty one. Set out, proceed prosperously and reign*⁷, and say with the psalmist: *I will pursue my enemies and crush them, and I shall not return until I consume them. I shall consume and crush them and they will not rise; they will fall at my feet*^{*}. For it is wrong that so wicked a deed and so detestable a precedent should be allowed to pass by disguised, lest perhaps unpunished daring and malice find an imitator, but rather let the example of punished transgressions deter others from offending.

Therefore your holiness and this sacred synod, following the example of Moses the man of God, must say to the whole Christian people: *Depart from the tents of these impious men*⁹.

Follow also the example of blessed pope Leo, your predecessor, who moved the second council of Ephesus¹⁰ and Dioscorus with his supporters to Chalcedon, where he instituted a synod which condemned them¹¹; and of your other predecessors as supreme pontiff, who continuously rising up in God's church have eliminated heresies and schisms, with their instigators, followers and supporters, from the church of God and the communion of the faithful, which is the most sacred body of Christ, and have afflicted them with many other condign penalties at the demand of justice.

With the approval and help of this sacred ecumenical council, avenge with condign penalties this new frenzy which has become inflamed to your injury and that of the holy Roman church, your spouse, and to the notorious scandal of the whole Christian people. By the authority of almighty God and of the blessed apostles Peter and Paul and by your own authority, remove and separate from God's holy church, by a perpetual anathema, the aforesaid wicked perpetrators of this prodigious crime and their unfortunate heresiarch and veritable antichrist in God's church together with all their supporters, adherents and followers and especially his execrable electors or rather profaners.

May he and all the aforesaid be cast out like an antichrist and an invader and a destroyer of the whole of Christianity. Let no appeal in this matter ever be allowed to him or to them. Let them and their posterity and successors be deprived without appeal of every ecclesiastical or secular rank and dignity whatsoever. Let all of them be condemned by a perpetual anathema and excommunication and may they be counted among the wicked who will not rise at the judgment¹². May they feel the anger of God against them. May they feel the rage of saints Peter and Paul, whose church they dare to throw into confusion, both in this life and in the next. *May their dwelling be a desolation, let no one dwell in their tents*^{*}. *May their children be orphans and their wives be widows*^{*}. May the world fight against them¹⁵ and all the elements be opposed to them, so that they may be cast out, destroyed and eliminated by all and so that, as they grovel in permanent penury, death may deservedly be their refuge and life their punishment. May the merits of all the saints cast them into confusion and display open

¹ Job 19, 21. ² See Rt 1, 20. ³ See Sg 2, 15. ⁴ See Jn 19, 23. ⁵ Ps 67, 2.

⁶ See Ps 73, 22. ⁷ Ps 44, 4-5. ⁸ 2 Kg 22, 38-39; Ps 17, 38-39. ⁹ Nm 16, 26.

¹⁰ "Robber" council of Ephesus. ¹¹ See above pp. 83-87. ¹² See Ps 1, 5.

¹³ Ps 68, 26. ¹⁴ Ps 108, 9. ¹⁵ See Wis 5, 21.

et omnium sanctorum merita illos confundant, et in hac vita super cos apertam vindictam ostendant, et cum Chore, Dathan, et Abiron debitam portionem suscipiant, et tandem, nisi ad cor reversi dignos penitence fructus egerint! et sanctitate tue et universali ecclesie pro tantorum reatum immanitate digne satisfecerint, cum impiis in infernas tenebras recondantur, ad erema supplicia digno Dei iudicio destinati.

Nos autem omnes et universos Christi fideles» qui predictos heresiarchas eorumque nefandissimum idohim et antichristum meritis blasphemiarum execramur, et te Christi vicarium et dignissime ecclesie sponsum confitemur, et devota reverentia et constanti fide et obedienna veneramur, omnipotentis Dei gratia protegat» et auctoritas beatorum Petri et Pauli et tua ab omnibus peccatorum vinculis absolvat, et in hac peregrinatione omnibus benedictionibus repleat, et sua tandem ineffabili miseratione ad cetera gaudia perducatur. Amen.

Nos vero, ut primum fide dignorum relatione tantam percepimus impietatem foris commissam, magno quidem, prout decebat, dolore et merore afflicti sumus, tum pro tanto ecclesie scandalo nuper exorto, tum pro animarum eorum, qui talia perpetrarunt, interitu, et presertim ipsius Amedei antichristi!, quem in visceribus complectabamur caritatis, cuiusque preces et desideria, quantum cum Deo potuimus, exaudire semper curavimus, et cum iam dudum adversus huiusmodi abominationem, iuxta nostri pastoralis officii debitum in animo geramus salutaribus providere remediis, nunc tamen publice in facie ecclesie ad occurrendum his malis requisiti, celerius atque instantius pro defensione ecclesie insurgere et tanto sceleri obviare disponimus. Quamobrem, ut res ista tam enormis et execrabilis in ipso ortu, adiuvante Domino, cuius res agitur, radicitus extirpetur, una cum hoc sacro concilio sine cunctatione qua possumus, iuxta canonicas sanctiones adhibemus remedium.

Attendentes igitur memoratam promotoris et procuratoris petitionem esse iustam, ac divino et humano iuri consonam, licet predicta scelera et excessus sint usque adeo publica et notoria, quod nulla possint tergiversatione celari, nec alia foret informatio necessaria,

« ad maiorem tamen cautelam, certitudinemque premissorum, sacro approbante concilio, nonnullis insignibus viris ex omni ipsius concilii statu commisimus, ut se de premissis diligenter informarent, et que per huiusmodi reperirent informationem, nobis et ipsi sacro concilio referrent. Idem vero commissarii super premissis, quantum pertinet ad huiusmodi schismatice pravitatis indagationem, diligenti habita inquisitione, nobis et ipsi sacro concilio in synodali congregatione ea, que per fide dignarum personarum examinationem repererant, fideliter retulerunt.

Et tamen, quamvis super his tam publicis, manifestis et notoriis, sine alia expectatione, per penarum severitatem, iuxta sanctiones canonicas, in predictos flagitiosos et scandalosos homines animadverti potuisset, nihilominus nos et hec sancta synodus omnipotentis Dei imitantes clementiam, qui non vult mortem peccatoris, sed ut magis convertatur et vivat², omni qua possumus pietate uti decrevimus, et quantum in nobis est, agere, ut proposita mansuetudinis via ad cor revertatur, et a predictis resipiscatur excessibus, ut ipsos tandem sicut filium illum prodigum³ ad

* Cf. Nm 16; Lc 3,8. » Cf. Ez 33,11. * Cf. Lc 15,20.

vengeance on them in their lifetime. May they receive a deserved fate with Korah, Dathan and Abiram. Finally, unless they repent from their hearts, perform deeds worthy of repentance* and make worthy satisfaction to your holiness and the universal church for the enormity of their sins, may they be thrust with the wicked into the everlasting darkness, doomed by the just judgment of God to eternal torments.

May the grace of almighty God protect all of us and all Christ's faithful who execrate with merited blasphemies the aforesaid hcresiarchs and their abominable idol and antichrist, who acknowledge you as Christ's vicar and spouse of his most worthy church, and who venerate you with devout reverence and constant faith and obedience. By the authority of blessed Peter and Paul and your authority, may we and they be absolved from all bonds of sins, be filled with all blessings on our pilgrimage and finally be led by his ineffable mercy to eternal joys. Amen.

For our part, as soon as we were aware from the reports of trustworthy people that so great an impiety had been committed, we were afflicted with grief and sadness, as was to be expected, both for the great scandal to the church and for the ruin of the souls of its perpetrators, especially Amadeus that antichrist whom we used to embrace in the depths of charity and whose prayers and wishes we always strove to meet in so far as we could in God. Already for some time we had it in mind to provide salutary remedies, in accordance with our pastoral office, against an abomination of this sort. Now, however, challenged publicly before the church to confront these evils, we propose to rise to the defence of the church and tackle this great crime more quickly and more urgently. Therefore, in order that so enormous and execrable a deed may, with the help of God whose cause is at stake, be destroyed from its very roots, we are applying, in conjunction with this holy council and with the least possible delay, a remedy in accordance with the holy canons.

We are aware that the above petition of the promoter and the procurator is just and in conformity with both divine and human law, and although the aforesaid crimes and excesses are so very public and notorious that nothing can conceal them and no further information is required;

Nevertheless, for greater precaution and certainly about the above, we commissioned, with the approval of this sacred council, some noteworthy persons from every rank in the council to seek information about the above and to refer their findings to us and the sacred council. Those so commissioned fulfilled their task of investigation with the care demanded by a schismatical depravity of this kind and faithfully reported to us and the sacred council in a synodal congregation what they had found out by the interrogation of trustworthy persons.

In such public, manifest and notorious matters, action could have been taken against the said infamous and scandalous men without waiting further, by means of severe penalties in accordance with canonical sanctions. Nevertheless we and this holy synod, imitating the mercy of God who desires not the death of the sinner but rather that he be converted and live², have decided to show all possible mercy and to act, in so far as we can, in such a way that the proposed mildness may recall them to heart and lead them to recoil from the above-mentioned excesses, and so that when at last they return to the bosom of the church like the prodigal son³, we may receive them with kindness and embrace

¹ Sec Nm 16; Lk 3, 8.

² See Ez 33, 11.

³ See Lk 15, 20.

gremium ecclesie revertentes, benigne suscipiamus, et paterna caritate amplectamur.

Ipsam igitur Amedeam antichristum, et prefatos electores, seu verius prophanatores, et quoscumque eidem Amedeo credentes, adherentes, receptatores, et quoquomodo faventes, *per viscera misericordie Dei nostrae*, et per aspersionem pretiosi sanguinis domini nostri Iesu Christi, in quo et per quem humani generis redemptio et sancte matris ecclesie edificatio facta est, ex toto corde hortamur, precamur et obsecramus, ut ipsius ecclesie unitatem, pro qua ipse Salvator tam instanter oravit ad Patrem¹, violare amodo desistant, fraternam quoque dilectionem ac pacem, quam totiens et tam accurate idem Redemptor transiturus ex hoc mundo discipulis commendavit³, et sine qua nec orationes, nec ieiunia, nec eleemosine Deo acceptae sunt⁴, scindere et lacerare expavescant, et a predictis quantocius tam perniciosis et scandalosis prorsus desistant excessibus, inventuri profecto apud nos et hoc sacrum concilium, si effectualiter paruerint, prout tenentur, paterne in omnibus caritatis affectum,

et ut ipsos, si forte iustitiae et virtutis amor a peccato non retrahat, penarum terror et rigor coerceat discipline, prefatos Amedeam antichristum, electores, immo prophanatores, credentes, adherentes, receptatores, et quomodolibet faventes, eodem sacro approbante concilio, requirimus et monemus, et in virtute sancte obedientie, ac sub anathematizationis et criminum heresis ac schismatis et lese maiestatis, in quibuscumque contra tales ab homine vel a iure inflictis penis districte precipiendo mandamus,

quatenus infra quinquaginta dies ab affixione presentium immediate sequentes, ipse Amedeus antichristus pro Romano pontifice ulterius se gerere ac nominare desistat, nec per alios, quantum in ipso est, haberi ac nominari pro tali se patiat, insigniisque papalibus ac aliis ad Romanum pontificem quoquomodo spectantibus, nullatenus uti de cetero prae-sumat,

memorati vero electores, immo prophanatores, adherentes, receptatores ac faventes, ulterius ipsi Amedeo in hoc schismatis crimine non assistant, nec credant, adhereant, vel faveant, quoquo modo per se vel per alios, directe vel indirecte, nec quovis quesito colore.

Sed tam ipse Amedeus quam predicti electores, credentes, adherentes, receptatores, et fautores, nos in verum Romanum pontificem ac Christi vicarium et Petri legitimum successorem habeant, recognoscant et venerentur, nobisque tamquam patri et pastori animarum suarum reverenter pareant et intendant, ac de iis infra predictum terminum nos et hoc sacrum concilium legitime certificate studeant, ita ut de eorum vera obedientia nullus dubitati -is scrupulus valeat remanere.

Si Amedeus, eligentes, credentes, adherentes, receptatores, ac faventes predicti secus, quod absit, egerint, seu premissa omnia et singula infra terminum predictum cum effectu non adimpleverint, ex tunc prout ex nunc, huiusmodi penas incurrere ipso facto volumus ac decernimus.

¹ Lc1,78.

³ Cf. Io 17, 20-23.

⁴ Cf. Io 13,1, 34-35; 15,12-13,17.

⁴ Cf. Is 58.

them with fatherly love.

Therefore, *through the tender mercy of our God*¹ and by the shedding of the precious blood of our lord Jesus Christ, in whom and by whom the redemption of the human race and the foundation of holy mother church were effected, from the depths of our hearts we exhort, beg and beseech the antichrist Amadeus and the aforesaid electors, or rather profaners, and whoever else believes in, adheres to, receives or in any way supports him, straightaway to stop violating the church's unity for which the Saviour prayed so earnestly to the Father², and to cease from rending and lacerating the fraternal charity and peace which the same Redeemer, as he was about to save this world, repeatedly and so insistently commended to his disciples³ and without which neither prayers nor fasts nor alms are acceptable to God⁴, and utterly to desist as quickly as possible from the aforesaid destructive and scandalous excesses, and so to find with us and this sacred council, if they really obey as they are bound to do, the affection of a father in respect of everything.

However, so that fear of penalties and harshness of discipline may force them if perchance love of justice and virtue does not withdraw them from sin, with the approval of this sacred council we demand and warn the antichrist Amadeus and the aforesaid electors, or rather profaners, and believers, adherents, receivers and supporters, and we strictly enjoin and order him and them in virtue of holy obedience and under the penalties of anathema, heresy, schism and treason which have been inflicted in any ways against such persons, whether by men or by the law:

That within fifty days immediately following the publication of this letter, the antichrist Amadeus should cease from acting any more and designating himself as the Roman pontiff and should not, in so far as he can, allow himself to be held and called such by others, and should not dare hereafter in any way to use papal insignia and other things belonging in any way to the Roman pontiff;

And that the aforesaid electors, or rather profaners, and adherents, receivers and supporters should no longer, either in person or through others, directly or indirectly or under any pretext, aid, believe in, adhere to or support the said Amadeus in this crime of schism.

Rather, both Amadeus himself and the aforesaid electors, believers, adherents and supporters should hold, recognize and reverence us as the true Roman pontiff and vicar of Christ and legitimate successor of Peter, and should reverently obey and maintain us as father and pastor of their souls, and should take care legitimately to notify us and this sacred council about these matters within the appointed interval of time, so that no scruple of doubt may remain about their genuine obedience.

If Amadeus and the said electors, believers, adherents, receivers and supporters shall act otherwise — though may it not be so — and do not effectively fulfil each and all of the aforesaid points within the appointed time, we wish and decree that from then as from now they automatically incur the stated penalties.

¹ Lk 1, 78. ² See Jn 17, 20-23. ³ See Jn 13, 1, 34-35; 15, 12-13, 17.

⁴ See Is 58.

Et nihilominus faventes' predict! coniunctim seu divisim quinta decima die prefatum terminum sequente, si non fuerit feriata, alias proxime sequente non feriata, compareant personaliter coram nobis et prefato concilio, ubi tunc erimus, ad videndum et audiendum se, et quemlibet
 5 eorum, etiam nominatim; quos et sic citamus ad diem eundem, declarari schismaticos, blasphemos, et tamquam hereticos, et reos crimine lese maiestatis, fore puniendos, ac censuras et pcnas predictas incurrisse, et alias infligi, prout visum fuerit et iustitia suadebit,

certificantes eosdem et eorum quemlibet, quod sive venerint sive non,
 10 et se paruisse non ostenderint, ad declarationem predictarum penarum, iustitia mediante, procedemus, eorum contumacia vel absentia non obstante, progressuri ulterius ad aggravationem et reaggravationem, prout iustitie rigor postulaverit, et eorum demerita exegerint.

Ut autem huiusmodi nostra monitio ac citatio ad eorundem moni-
 15 torium ac citatorium aliorumque, quorum interest, notitiam deducantur, cartas sive membranas eam continentes ecclesie b. Marie Novelle de Florentia et palatii nostri apud eandem ecclesiam siti et ecclesie cathedralis Florentine portis sive ianuis affigi faciemus, que monitionem eandem suo quasi sonoro preconio ac patulo indiciob publicabunt, ut
 20 iidem moniti, quod ad ipsos non pervenerit, et eandem monitionem ignoraverint, nullam possint pretendere excusationem, vel ignorantiam allegare, cum non sit verosimile, quod ad eos remaneret incognitum vel occultum, quod tam patenter omnibus publicatur.

Volumus autem et apostolica auctoritate decernimus, quod huiusmodi
 25 nostra monitio in eisdem valvis seu portis intimata perinde valeat, et plenum robur obtineat firmitatis, dictosque monitos perarctet, quacumque constitutione contraria non obstante, ac si eisdem monitis et eorum singulis intimata ac insinuata personaliter et presentialiter extitisset.

Ne tandem moniti et citati predicti ipsum concilium et curiam Roma-
 M nam, communem omnibus patriam, locum sibi minus tutum, et propter premissa aliasve inimicitias, vel ex causis aliis imminere periculum in veniendo, stando et redeundo, ad excusationis sue velamen forsan allegent, ipso tenore presentium securantes, universos et singulos patriarchas, archiepiscopos, episcopos, et alios ecclesiarum, monasteriorum prelatos,
 35 et clericos ac personas ecclesiasticas, necnon duces, marchiones, principes, potestates, capitaneos, et quoscumque alios officiales et eorum loca tenentes, necnon communitates, universitates civitatum, castrorum, oppidorum, villarum et aliorum locorum tenore presentium requirimus et exhortamur, ipsisque patriarchis, archiepiscopis, episcopis, et aliis
 40 prelatiis, ceterisque subditis nostris districte mandamus, quatenus prefatis monitis et bonis aut rebus eorum nullam inferant, nec ab aliis, quantum in eis fuerit, permittant inferri iniuriam vel offensam. Nulli ergo . . . Si quis autem . . .

Moreover, on the fifteenth day after the aforesaid interval of time, if it is not a feast, otherwise on the following non-feast day, the aforesaid supporters' all together or singly shall appear in person before us and the aforesaid council, where we shall then be, to be seen and heard individually and even by name. Thus we now cite them for that day, to be declared schismatics, blasphemers and as heretics, to be punished as traitors, and to have incurred the aforesaid censures and penalties, and others to be inflicted, according as it shall seem good and justice shall persuade:

Notifying the same people and any of them individually, whether or not they come, that if they shall not have shown that they have obeyed, we shall proceed with justice to declaring the aforesaid penalties, notwithstanding their contumacy or absence, with the intention of proceeding further to aggravation and re-aggravation, as the rigour of justice shall demand and their merits require.

In order that this monition and citation of ours may be brought to the attention of the authors of their monition and citation and of other interested persons, we shall have sheets of paper or membranes of parchment containing it affixed to the doors or gates of the church of St Mary Novella in Florence, of our palace situated near that church and of the cathedral church of Florence. These will make known this monition as if by a sonorous town-crying and a public notice, in order that after such notification these people may not be able to pretend that it did not reach them or that they were ignorant of it, since it is unlikely that what is made known so obviously to all should remain unknown or hidden to them.

We wish and we decree by our apostolic authority that this our monition promulgated on the said doors and gates shall have as much value and be as immutable and as binding on the said warned people, notwithstanding any contrary constitution, as if it had been intimated and disclosed to each and all of the warned people in person and in their presence.

Finally, lest the aforesaid warned and cited persons allege as a cloak of excuse that the council and the Roman curia, the common fatherland of all, is an unsafe place for them and that, because of the above-mentioned things or other enmities or other reasons, danger threatens them in their coming, staying and returning, we reassure them by this present letter and we require and exhort by the same letter all patriarchs, archbishops, bishops and other prelates of churches and monasteries, clerics and ecclesiastical persons as well as dukes, marquises, princes, rulers, captains and any other officials and their lieutenants, as also the communities and corporations of cities, castles, towns, vills and other places, and we strictly command the patriarchs, archbishops, bishops and other prelates and our other subjects that they are not to inflict any injury or harm on the aforesaid warned persons and their goods and property nor, to the best of their power, to allow such to be inflicted by others. Let nobody therefore ... If anyone however ...

¹ transgressors *variant reading in CF 1/3, 11*

SESSIO X

27 maii 1440

[Eugenius IV synodales Basilienses adhortatur,
ut ab oppositione cessent]

Eugenius episcopus, servus servorum Dei, ad perpetuam rei memoriam. Quoniam iuxta sanctorum patrum sententiam publice peccantes coram omnibus arguendi sunt, ut ceteri timorem habeant, pridem pro publico s pestiferi scismatis delicto adversus sanctam sedem apostolicam et sanctam Romanam ecclesiam, omnium Christianorum matrem et magistram, per Amedeum olim Sabaudie ducem et suos complices perpetrato, ipsos tanti sceleris auctores et eorum sequaces palam et in facie ecclesie una cum hoc sacro Florentino concilio synodaliter redarguimus et detestati fuimus, io Quamquam iuxta sacros canones in ipsos manifestos ac notorios sacrilegos mox debite severitatis sententia proferri potuisset, nihilominus ipsorum magis conversionem quam vindictam et salutem potius quam punicionem cupientes cum quanta potuimus caritate ac mansuetudine ipsos rogavimus, monuimus et requisivimus, ut ad cor redirent et a tanta iniquitate resipi- 15 scerent, pollicendo eis veniam gratiamque et paterne pietatis affectum; alias, si huiusmodi piissimis nollent monitis acquiescere, penis tanto flagicio dignis ipsos decernebamus esse plectendos, prout in monitorio adversus eos promulgato plenius continetur, cuius tenor in hunc sequitur modum.1

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SESSIO XI

4 febr. 1442

[Bulla unionis Coptorum]2

Eugenius episcopus, servus servo-	4'	V		
rum Dei, ad perpetuam rei memo-				
riam. <i>Cantate Domino, quoniam ma-</i>			JLa 'i/I j L TU	
<i>gnifice fecit, annuntiate hoc in universa</i>	(lUl	I-u	1 , ^	25
<i>terra. Exulta et lauda, habitatio Syon,</i>			1 ^	
<i>quoniam magnus in medio tui sanctus</i>				
<i>Israbel</i> *. Cantare profecto et exultare		41	S	
in Domino decet ecclesiam Dei pro				
hac grandi magnificentia et gloria	4,1			M
nominis sui, quam hodierna die	jllJ'	fJ	«-V LXJlj xJU li.	
clementissimus Deus operari digna-				
tus est. Toto siquidem corde lauda-			I j i	
re et benedicere Salvatorem nostrum			ûl U	
nos convenit, qui sanctam ecclesiam		f-H	j tf-UI Lj^i;	35

1 Sequitur bulla Eugenii IV *Multa tonetorum patrum* iam supra edita
' Arabicam cocvam versionem edimus ex: E. Cecconi *Studistorici* 'l
ren^e 1869, fasc. finale, 5-64. » Is 12,5-6. ' 51,1 Con^io di Firenze, Fi-

SESSION 10

27 May 1440

{Eugenius IV exhorts the members of the synod at Basel to desist from their opposition}

Eugenius, bishop, servant of the servants of God, for an everlasting record. In the opinion of holy fathers, public sinners ought to be publicly censured so that others may stand in fear. Accordingly, we and this sacred council of Florence recently censured and denounced in public before the church, in synodal form, the authors and abettors of the pestilential sin of schism against the holy apostolic see and the holy Roman church, the mother and mistress of all Christians, which was perpetrated by Amadeus, once duke of Savoy, and his accomplices. It would have been in conformity with the sacred canons to have passed a sentence of due severity straightaway on those notoriously sacrilegious persons. However, desiring their conversion and salvation rather than their punishment, we begged, warned and required of them, with all the charity and mildness we could, to reflect and to recoil from such great iniquity, promising them pardon and favour and a father's affection. But if they refused to heed these dutiful admonitions, we decreed that they should be punished with penalties proportionate to so great an outrage, as is contained in the monition promulgated against them, which is as follows¹.

SESSION 11

4 February 1442

[Bull of union with the Copts]²³

Eugenius, bishop, servant of the servants of God, for an everlasting record. *Sing praises to the Lord for he has done gloriously; let this be known in all the earth. Shout, and sing for joy, O inhabitant of Zion, for great in your midst is the holy one of Israel*³. To sing and to exult in the Lord certainly befits the church of God for his great magnificence and the glory of his name, which the most merciful God has deigned to bring about on this very day. It is right, indeed, to praise and bless with all our hearts our Saviour, who daily builds up his holy church with

¹ There follows the bull of Eugenius IV *Multa sanctorum patrum* (Many examples of holy fathers) printed above.

² We print the contemporary Arabic version from: E. Cecconi, *Studi storici sul concilio di Firenze*, Florence 1869, last fasc., 5-64.

³ Is 12, 5-6.

suam novis quotidie accumulat incrementis. Quanquam autem in populum christianum sua beneficia omni tempore multa ac magna sint, que luce clarius suam erga nos immensam caritatem ostendunt, si tamen accurate inspicimus, que et quanta his diebus novissimis divina clementia facere dignatus est, indicate certe poterimus hoc nostro tempore plura ac maiora quam a multis retroactis etatibus sue caritatis munera extitisse.

Ecce enim nondum exacto triennio in hac sancta ycumenica synodo saluberrimam trium magnarum nationum unionem dominus noster Ihesus Christus sua infatigabili pietate ad commune perenneque totius christianitatis gaudium tam copiose effecit. Unde actum est, ut totus fere oriens, qui gloriosum Christi nomen adorat, ac non parva septentrionis portio post longa dissidia cum sancta Romana ecclesia in eodem fidei ac caritatis vinculo iam convenerint. Primo etenim Greci et hi, qui subsunt quatuor patriarchalibus sedibus multas gentes nationesque et ydiomata continentibus, deinde Armeni, multorum populorum gens, hodie vero iacobini, magni etiam per Egiptum populi, sancte sedi apostolice uniti sunt.

Et cum nichil salvatori nostro domino Ihesu Christo gratius sit quam mutua inter homines caritas, nichilque nomini suo gloriosius atque ecclesie utilius esse possit ; quam ut christiani omni inter se sublato dissidio in eadem simul fidei puritate conveniant, merito nos omnes et, cantare pre gaudio et iubilare in Domino debemus, quos, ut tantam christiane fidei magnificentiam diebus nostris videremus, divina miseratio dignos effecit, i

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new additions. His benefactions to his Christian people are at all times many and great and manifest more clearly than the light of day his immense love for us. Yet if we look more closely at the benefactions which the divine mercy has deigned to effect in most recent times, we shall assuredly be able to judge that in these days of ours the gifts of his love have been more in number and greater in kind than in many past ages.

For in less than three years our lord Jesus Christ by his indefatigable kindness, to the common and lasting joy of the whole of Christianity, has generously effected in this holy ecumenical synod the most salutary union of three great nations. Hence it has come about that nearly the whole of the east that adores the glorious name of Christ and no small part of the north, after prolonged discord with the holy Roman church, have come together in the same bond of faith and love. For first the Greeks and those subject to the four patriarchal sees, which cover many races and nations and tongues, then the Armenians, who are a race of many peoples, and today indeed the Jacobites, who are a great people in Egypt, have been united with the holy apostolic see.

Nothing is more pleasing to our Saviour, the lord Jesus Christ, than mutual love among people and nothing can give more glory to his name and advantage to the church than that Christians, with all discord between them banished, should come together in the same purity of faith. Deservedly all of us ought to sing for joy and to exult in the Lord; we whom the divine clemency has made worthy to see in our days such great splendour of the Christian faith. With the

Summa igitur cum alacritate an-
nuntiamus magnalia hec in universa
Christianorum terra, ut sicut nos pro
gloria Dei et exaltatione ecclesie
gaudio inenarrabili repleti sumus,
ita et alios tante letitie participes
faciamus, ut omnes uno ore magni-
ficemus et glorificemus Deum¹ et sue
maiestati, prout dignum est, magnas
quotidianasque gratias agamus pro
tot tantisque mirabilibus beneficiis,
hac etate ecclesie sue sancte collaris.

Et quoniam, qui opus Dei dili-
genter exercet, non modo meritum
ac retributionem in celis expectat,
sed et apud homines amplam glo-
riam laudemque meretur, venera-
bilem fratrem nostrum Iohannem
Iacobinorum patriarcham, huius
sancte unionis cupidissimum, a no-
bis et tota ecclesia merito laudan-
dum et extollendum ac communi
omnium Christianorum favore cum
tota sua gente dignum iudicamus.
Is enim a nobis per nostrum ora-
torem² ac litteras excitatus, ut ad
nos et hanc sanctam synodum lega-
tionem mitteret et se ac suam gen-
tem in eadem cum ecclesia Romana
fide uniret, dilectum filium Andre-
am natione Egiptium, abbatem
monasterii sancti Antonii apud
Egiptum, in quo et habitasse et
mortuus esse sanctus ipse Antonius
perhibetur, religione et moribus non
mediocriter institutum, ad nos et
ipsam synodum destinavit, cui devo-
tionis zelo accensus imposuit atque
commisit, ut fidei doctrinam, quam
sancta Romana ecclesia tenet et
prédicat, nomine ipsius patriarche
et suorum Iacobinorum reverenter
susciperet, deferendam postea per
eum ad ipsum patriarcham et
Iacobinos, ut et ipsi eandem agnos-

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¹ Cf. Rm 15, 6. * Albertus de Sarteano o.f.m.

greatest readiness we therefore announce these marvellous facts to the whole Christian world, so that just as we are filled with unspeakable joy for the glory of God and the exaltation of the church, we may make others participate in this great happiness. Thus all of us with one voice may magnify and glorify God¹ and may return abundant and daily thanks, as is fitting, to his majesty for so many and so great marvellous benefits bestowed on his holy church in this age.

He who diligently does the work of God not only awaits merit and reward in heaven but also deserves generous glory and praise among people. Therefore we consider that our venerable brother John, patriarch of the Jacobites, whose zeal for this holy union is immense, should deservedly be praised and extolled by us and the whole church and deserves, together with his whole race, the general approval of all Christians. Moved by us, through our envoy² and our letter, to send an embassy to us and this sacred synod and to unite himself and his people in the same faith with the Roman church, he sent to us and this synod the beloved son Andrew, an Egyptian, endowed in no mean degree with faith and morals and abbot of the monastery of St Anthony in Egypt, in which St Anthony himself is said to have lived and died. The patriarch, fired with great zeal, ordered and commissioned him reverently to accept, in the name of the patriarch and his Jacobites, the doctrine of the faith that the Roman church holds and preaches, and afterwards to bring this doctrine to the patriarch and the

¹ See Rm 15, 6.

² Albert de Sarziano, O.F.M.

cerent ratamque haberent et in suis regionibus predicarent.

Nos igitur, quibus voce Domini commissum est pascere oves Christi» ipsum Andream abbatem per nonnullos huius sacri concilii insignes viros super articulis fidei et sacramentis ecclesie et quibusque ad salutem spectantibus diligenter
 10 examinari fecimus, et tandem, quantum visum est fore necessarium, exposita eidem abbati sancte Romane ecclesie fide catholica et per ipsum humiliter acceptata, hanc, que
 is sequitur, veram necessariamque doctrinam hodie in hac solenni sessione sacro approbante ycumenico concilio Florentino in nomine Domini tradidimus.

20 Imprimis igitur sacrosancta Romana ecclesia, Domini et Salvatoris nostri voce fundata, firmiter credit, profitetur et prædicat unum verum Deum, omnipotentem, incommutabilem et etemum; Patrem et Filium et Spiritum sanctum; unum in essentia, trinum in personis, Patrem ingenitum, Filium ex Patre genitum, Spiritum sanctum ex Patre et Filio procedentem, Patrem non esse Filium aut Spiritum sanctum, Filium non esse Patrem aut Spiritum sanctum, Spiritum sanctum non esse Patrem aut Filium, sed Pater tantum Pater est, Filius tantum Filius est, Spiritus sanctus tantum Spiritus sanctus est. Solus Pater de substantia sua genuit Filium. Solus Filius de solo Patre est genitus.
 40 Solus Spiritus sanctus simul de Patre procedit et Filio², He tres persone sunt unus Deus, non tres dii, quia trium est una substantia, una essentia, una natura, una divinitas, una immensitas, una eternitas,

¹ Cf. Io 21,17. » Cf. Fulgentius, *De fide*

Jacobites so that they might acknowledge and formally approve it and preach it in their lands.

We, therefore, to whom the Lord gave the task of feeding Christ's sheep¹, had abbot Andrew carefully examined by some outstanding men of this sacred council on the articles of the faith, the sacraments of the church and certain other matters pertaining to salvation. At length, after an exposition of the catholic faith to the abbot, as far as this seemed to be necessary, and his humble acceptance of it, we have delivered in the name of the Lord in this solemn session, with the approval of this sacred ecumenical council of Florence, the following true and necessary doctrine.

First, then, the holy Roman church, founded on the words of our Lord and Saviour, firmly believes, professes and preaches one true God, almighty, immutable and eternal, Father, Son and holy Spirit; one in essence, three in persons; unbegotten Father, Son begotten from the Father, holy Spirit proceeding from the Father and the Son; the Father is not the Son or the holy Spirit, the Son is not the Father or the holy Spirit, the holy Spirit is not the Father or the Son; the Father is only the Father, the Son is only the Son, the holy Spirit is only the holy Spirit. The Father alone from his substance begot the Son; the Son alone is begotten of the Father alone; the holy Spirit alone proceeds at once from the Father and the Son². These three persons are one God not three gods, because there is one substance of the three, one essence, one nature, one Godhead, one immensity, one eternity, and everything is one where the difference of a relation

¹ Seejn 21, 17.

² See Fulgentius, *De fide (On the faith)* 4 (PL 65, 647; CChr 91 A, 714).

omniaque sunt unum, ubi non obviat relationis oppositio. Propter hanc unitatem Pater est totus in Filio, totus in Spiritu sancto. Filius est totus in Patre, totus in Spiritu sancto, Spiritus sanctus est totus in Patre, totus in Filio. Nullus alium aut precedit etemitate aut excedit magnitudine aut superat potestate. Etemum quippe et sine initio est, quod Filius de Patre extitit, et eternum ac sine initio est, quod Spiritus sanctus de Patre Filioque procedit. Pater, quicquid est aut habet, non habet ab alio, sed ex se, et est principium sine principio. Filius, quicquid est aut habet, habet a Patre, et est principium de principio. Spiritus sanctus, quicquid est aut habet, habet a Patre simul et Filio. Sed Pater et Filius non duo principia Spiritus sancti, sed unum principium, sicut Pater et Filius et Spiritus sanctus non tria principia creature, sed unum principium. Quoscunque ergo adversa et contraria sentientes damnat, reprobat et anathematizat et a Christi corpore, quod est ecclesia, alienos esse denuntiat. Hinc damnat Sabellium personas confundentem et ipsarum distinctionem realem penitus auferentem, damnat arrianos, eunomiahos, macedonianos solum Patrem verum Deum esse dicentes, Filium autem et Spiritum sanctum in creaturarum ordine collocantes. Damnata et quoscunque alios, gradus seu inequalitatem in Trinitate facientes.

Firmissime credit, profitetur et prædicat unum verum Deum Patrem et Filium et Spiritum sanctum esse omnium visibilium et invisibilium creatorem, qui, quando voluit, bonitate sua universas tam spirituales quam corporales condidit creaturas, bonas quidem, quia a

does not prevent this. Because of this unity the Father is whole in the Son, whole in the holy Spirit; the Son is whole in the Father, whole in the holy Spirit; the holy Spirit is whole in the Father, whole in the Son. No one of them precedes another in eternity or excels in greatness or surpasses in power. The existence of the Son from the Father is certainly eternal and without beginning; and the procession of the holy Spirit from the Father and the Son is eternal and without beginning. Whatever the Father is or has, he has not from another but from himself and is principle without principle. Whatever the Son is or has, he has from the Father and is principle from principle. Whatever the holy Spirit is or has, he has from the Father together with the Son. But the Father and the Son are not two principles of the holy Spirit, but one principle, just as the Father and the Son and the holy Spirit are not three principles of creation but one principle. Therefore it condemns, reproves, anathematizes and declares to be outside the body of Christ, which is the church, whoever holds opposing or contrary views. Hence it condemns Sabellius, who confused the persons and altogether removed their real distinction. It condemns the Arians, the Eunomians and the Macedonians who say that only the Father is true God and place the Son and the holy Spirit in the order of creatures. It also condemns any others who make degrees or inequalities in the Trinity.

Most firmly it believes, professes and preaches that the one true God, Father, Son and holy Spirit, is the creator of all things that are, visible and invisible, who, when he willed it, made from his own goodness all creatures, both spiritual and corporeal, good indeed because they are made by the supreme good, but

summo no facte sunt, sed mutabiles, quia de nichilo facte sunt, nullamque mali asserit esse naturam, quia omnis natura, in quantum natura est, bona est.

Unum atque eundem Deum veteris ac novi testamenti hoc est legis et prophetarum atque evangelii profitetur auctorem, quoniam eodem Spiritu sancto inspirante utriusque testamenti sancti locuti sunt, quorum libros suscipit et veneratur, qui titulis sequentibus continentur¹.

Quinque Moysi id est Genesi, Exodo, Levitico, Numeris, Deuteronomio; Iosue, Iudicum, Ruth, Quatuor Regum, Duobus Paralipomenon, Esdra, Neemia, Tobia, Iudith, Hester, Iob, Psalmis David, Parabolis, Ecclesiaste, Canticis Canticorum, Sapientia, Ecclesiastico, Isaya, Ieremia, Baruch, Ezechiele, Daniele, Duodecim Prophetis Minoribus id est Osee, Iohele, Amos, Abdia, Iona, Michea, Naum, Abachuc, Sophonia, Ageo, Zacharia, Malachia; Duobus Machabeorum, Quatuor Evangeliiis, Mathei, Marci, Luce, Iohannis; Quatuordecim Epistolis Pauli, Ad Romanos, Duabus Ad Corinthios, Ad Galatas, Ad Ephesios, Ad Philipenses, Duabus Ad Thesalonicenses, Ad Colocenses, Duabus Ad Thimotheum, Ad Titum, Ad Philemonem, Ad Hebreos; Petri Duabus; Tribus Iohannis; Una Iacobi; Una Iude; Actibus Apostolorum, et Ap
si Iohannis.

«0 Propterea maniceorum anathematizat insaniam, qui duo prima principia posuerunt, unum visibilium, aliud invisibilium, et alium novi testamenti Deum, alium veteris esse dixerunt. Firmiter credit,

¹ Cf. Constitutiones Nicosienses (1340) (Msi 26, 373)

mutable because they are made from nothing; and it asserts that there is no nature of evil because every nature, in so far as it is a nature, is good.

It professes that one and the same God is the author of the old and the new Testament — that is, the law and the prophets, and the gospel — since the saints of both testaments spoke under the inspiration of the same Spirit. It accepts and venerates their books, whose titles are as follows¹.

Five books of Moses, namely Genesis, Exodus, Leviticus, Numbers, Deuteronomy; Joshua, Judges, Ruth, four books of Kings, two of Paralipomenon, Esdras, Nehemiah, Tobit, Judith, Esther, Job, Psalms of David, Proverbs, Ecclesiastes, Song of Songs, Wisdom, Ecclesiasticus, Isaiah, Jeremiah, Baruch, Ezechiel, Daniel; the twelve minor prophets, namely Hosea, Joel, Amos, Obadiah, Jonah, Micah, Nahum, Habakkuk, Zephaniah, Haggai, Zechariah, Malachi; two books of the Maccabees; the four gospels of Matthew, Mark, Luke and John; fourteen letters of Paul, to the Romans, two to the Corinthians, to the Galatians, to the Ephesians, to the Philippians, two to the Thessalonians, to the Colossians, two to Timothy, to Titus, to Philemon, to the Hebrews; two letters of Peter, three of John, one of James, one of Jude; Acts of the Apostles; Apocalypse of John.

Hence it anathematizes the madness of the Manichees who posited two first principles, one of visible things, the other of invisible things, and said that one was the God of the new Testament, the other of the old Testament. It firmly believes, professes and preaches that one person of the Trinity, true God, Son of

¹ See Constitutions of Nicosia (1340) (Msi 26, 373).

profitetur et prædicat unam ex Trinitate personam, verum Deum Dei Filium ex Patre genitum, Patri consubstantialem et coeternum, in plenitudine temporis, quam divini consilii inscrutabilis altitudo disposuit, propter salutem humani generis, veram hominis integramque naturam ex immaculato utero Marie virginis assumpsisse et sibi in unitatem persone copulasse tanta unitate, ut, quicquid ibi Dei est, non sit ab homine separatum, et quicquid est hominis, non sit a deitate divisum, sitque unus et idem indivisus, utraque natura in suis proprietatibus permanente, Deus et homo, Dei filius et hominis filius, *equalis Patri fecundum divinitatem, minor Patre secundum humanitatem*¹, immortalis et æternus ex natura divinitatis, passibilis et temporalis ex conditione assumpte humanitatis.

Firmiter credit, profitetur et prædicat Dei Filium in assumpta humanitate ex virgine vere natum, vere passum, vere mortuum et sepultum, vere ex mortuis resurrexisse, in celum ascendisse, sedereque ad dexteram Patris, et venturum in fine seculorum ad vivos mortuosque indicandos.

Anathematizat autem, exeeratur et damnat omnem heresim contraria sapientem. Et primum damnat Ebionem, Cherintum, Marcionem, Paulum Samosatenum, Fotinum omnesque similiter blasphemantes, qui percipere non valentes unionem personalem humanitatis ad Verbum, Ihesum Christum dominum nostrum, verum Deum esse negaverunt, ipsum purum hominem confitentes, qui divine grade parricipatione maiore quam sanctioris vite

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¹ Symbolum Adunasianum.

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God begotten by the Father, consubstantial and coeternal with the Father, in the fullness of time which the inscrutable depth of divine counsel determined, for the salvation of the human race, took a real and complete human nature from the immaculate womb of the virgin Mary, and joined it to himself in a personal union of such great unity that whatever is of God there, is not separated from man, and whatever is human is not divided from the Godhead, and he is one and the same undivided, each nature perduring in its properties, God and man, Son of God and son of man, *equal to the Father according to his divinity, less than the Father according to his humanity*¹, immortal and eternal through the nature of the Godhead, passible and temporal from the condition of assumed humanity.

It firmly believes, professes and preaches that the Son of God was truly born of the virgin in his assumed humanity, truly suffered, truly died and was buried, truly rose from the dead, ascended into heaven and sits at the right hand of the Father and will come at the end of time to judge the living and the dead.

It anathematizes, execrates and condemns every heresy that is tainted with the contrary. First it condemns Ebion, Cerinthus, Marcion, Paul of Samosata, Photinus and all similar blasphemers who, failing to see the personal union of the humanity with the Word, denied that our lord Jesus Christ was true God and professed him to be simply a man who by a greater participation in divine grace,

¹ Athanasian creed.

merito suscepisset, divinus homo
diceretur.

Anathematizat etiam Maniceum
cum sectatoribus suis, qui Dei Fili-
um non verum corpus, sed fanta-
sticum sumpsisse somniantes, hu-

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imitatis in Christo veritatem peni-
tus sustulerunt, necnon Valentinum
asserentem Dei Filium nichil de vir-
gine matre cepisse, sed corpus
celestesumpsisse atque ita transisse
per uterum virginis, sicut per aque-
ductum defluens aqua transcurrit.

ù ;

Arrium etiam, qui asserens corpus
ex virgine assumptum anima ca-
ruisse voluit loco anime fuisse dei-
tatem. Apollinarem quoque, qui
intelligens, si anima corpus infor-
mans negetur, in Christo humani-

tatem veram ibidem non fuisse,
solam posuit animam sensitivam,
sed deitatem Verbi vicem rationalis
anime tenuisse. Anathematizat eti-

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am Theodorum Mopsuestenum at-
que Nestorium asserentes humani-
tatem Dei Filio unitam esse per
gratiam, et ob id duas in Christo
esse personas, sicut duas fatentur
esse naturas, cum intelligere non

valerent unionem humanitatis ad
verbum ypostaticam extitisse, et
propterea negarent Verbi subsisten-
tiam accepisse. Nam secundum hanc

blasphemiam non Verbum caro fac-
tum est, sed Verbum per gratiam
habitavit in came, hoc est, non Dei
Filius homo factus est, sed magis
Dei Filius habitavit in homine.

Anathematizat etiam, exeeratur et
damnat Euticem archimandritam,
qui cum intelligeret iuxta Nestorii
blasphemiam veritatem incarnationis
excludi et propterea oportere, quod

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ita Dei Verbo unita esset humanitas,
ut deitatis et humanitatis una esset
eademque persona, ac etiam capere
non posset stante pluralitate natu-

which he had received through the merit of his holier life, should be called a divine man.

It anathematizes also Manes and his followers who, imagining that the Son of God took to himself not a real body but a phantasmal one, completely rejected the truth of the humanity in Christ; Valentinus, who declared that the Son of God took nothing from his virgin mother but that he assumed a heavenly body and passed through the virgin's womb like water flowing down an aqueduct; Arius, who by his assertion that the body taken from the virgin had no soul, wanted the Deity to take the place of the soul; and Apollinarius who, realizing that if the soul informing the body were denied there would be no true humanity in Christ, posited only a sensitive soul and held that the deity of the Word took the place of the rational soul. It anathematizes also Theodore of Mopsuestia and Nestorius, who asserted that the humanity was united to the Son of God through grace, and hence that there are two persons in Christ just as they profess there are two natures, since they could not understand that the union of the humanity to the Word was hypostatic and therefore they denied that he had received the subsistence of the Word. For according to this blasphemy the Word was not made flesh but the Word dwelt in flesh through grace, that is, the Son of God did not become man but rather the Son of God dwelt in a man. It also anathematizes, execrates and condemns the archimandrite Eutyches who, when he understood that the blasphemy of Nestorius excluded the truth of the incarnation, and that it was therefore necessary for the humanity to be so united to the Word of God that there should be one and the same person of the divinity and the humanity; and also because, granted the plurality of natures, he could not grasp the unity of the person, since he posited one person in Christ of

rarum unitatem persone, sicut dei-
tatis et humanitatis in Christo unam
posuit esse personam, ita unam
asseruit esse naturam, volens ante
unionem dualitatem fuisse natura-
rum, sed in unam naturam in as-
sumptione transisse, maxima blas-
femia et impietate concedens aut
humanitatem in deitatem aut dei-
tatem in humanitatem esse conver-
sam. Anathematizat etiam, execra-
tur et damnat Macharium Anthio-
cenum omnesque similia sapientes,
qui, licet vere de naturarum duali-
tate et persone unitate sentiret,
tamen circa Christi operationes
enormiter oberravit, dicens in Chri-
sto utriusque nature unam fuisse
operationem unamque voluntatem.
Hos omnes cum heresibus suis^d
anathematizat sacrosanta Romana
ecclesia affirmans in Christo duas
esse voluntates duasque opera-
tiones.

Firmiter credit, profitetur et docet
neminem unquam ex viro femina-
que conceptum a dyaboli dominatu
fuisse liberatum, nisi per fidem
mediatoris Dei et hominum Ihesu
Christi domini nostri, qui sine pec-
cato conceptus, natus et mortuus²
humani generis hostem, peccata
nostra delendo, solus sua morte
prostravit, et regni celestis introi-
tum, quod primus homo peccato
proprio cum omni successione per-
diderat, reseravit, quem aliquando
venturum omnia veteris testamenti
sacra sacrificia, sacramenta, cere-
monie presignarunt.

Firmiter credit, profitetur et docet
legalia veteris testamenti seu mosa-
ice legis, que dividuntur in cere-
monias, sacra sacrificia, sacramenta,^u
quia significandi alicuius futuri gra-

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1 Cf. 1 Tm 2, 5. 1 Fulgentius, *Difide* 26 (PL 65, 701).

divinity and humanity; so he affirmed that there was one nature, suggesting that before the union there was a duality of natures which passed into a single nature in the act of assumption, thereby conceding a great blasphemy and impiety that either the humanity was converted into the divinity or the divinity into the humanity. It also anathematizes, execrates and condemns Macarius of Antioch and all others of similar views who, although they are orthodox on the duality of natures and the unity of person, yet have gone enormously wrong on Christ's principles of action by declaring that of the two natures in Christ, there was only one principle of action and one will. The holy Roman church anathematizes all of these and their heresies and affirms that in Christ there are two wills and two principles of action.

It firmly believes, professes and preaches that never was anyone, conceived by a man and a woman, liberated from the devil's dominion except by faith in our lord Jesus Christ, the mediator between God and humanity¹, who was conceived without sin, was born and died². He alone by his death overthrew the enemy of the human race, cancelling our sins, and unlocked the entrance to the heavenly kingdom, which the first man by his sin had locked against himself and all his posterity. All the holy sacrifices, sacraments and ceremonies of the old Testament had prefigured that he would come at some time.

It firmly believes, professes and teaches that the legal prescriptions of the old Testament or the Mosaic law, which are divided into ceremonies, holy sacrifices and sacraments, because they were instituted to signify something in the future,

¹ Sec 1 Tm 2, 5.

² Fulgentius, *De fide (On the faith)* 26 (PL 65, 701; CChr 91 A, 753).

tia fuerant instituta, licet divino cultui illa etate congruerent, significato per illa domino nostro Ihesu Christo adveniente cessasse, et
5 novi testamenti sacramenta cepisse. Quemcunque etiam post passionem in legalibus spem ponentem et illis velut ad salutem necessariis se sub-
dentem, quasi Christi fides sine
io illis salvare non posset, peccasse mortaliter. Non tamen negat a Christi passione usque ad promulgatum evangelium illa potuisse ser-
vari, duntamen minime ad salutem
is necessaria crederentur. Sed post promulgatum evangelium sine interitu salutis eteme asserit non posse
servari. Omnes ergo post illud tem-
pus circumcisionis et sabbati reli-
to quorumque legalium observatores alienos a Christi fide denuntiat et salutis eteme minime posse esse
participes, nisi aliquando ab his erroribus resipiscant. Omnibus igitur,
25 qui christiano nomine gloriantur, precipit omnino, quocunque tempore vel ante vel post baptismum a circumcissione cessandum, quoniam sive quis in ea spem ponat
sive non, sine interitu salutis eterne
m observari omnino non potest.

Circa pueros vero propter periculum mortis, quod potest sepe contingere, cum ipsis non possit
as alio remedio subveniri nisi per sacramentum baptismi, per quod eripiuntur a dyaboli dominatu et in Dei filios adoptantur, admonet non esse per quadraginta aut octua-
40 ginta dies seu aliud tempus iuxta quorundam observantiam sacrum baptismum differendum, sed quamprimum commode fieri potest, debere conferri, ita tamen, quod mor-
is tis imminente periculo, mox sine ulla dilatione baptizentur, etiam per laicum vel mulierem, in forma

although they were adequate for the divine cult of that age, once our lord Jesus Christ who was signified by them had come, came to an end and the sacraments of the new Testament had their beginning. Whoever, after the passion, places his hope in the legal prescriptions and submits himself to them as necessary for salvation and as if faith in Christ without them could not save, sins mortally. It does not deny that from Christ's passion until the promulgation of the gospel they could have been retained, provided they were in no way believed to be necessary for salvation. But it asserts that after the promulgation of the gospel they cannot be observed without loss of eternal salvation. Therefore it denounces all who after that time observe circumcision, the sabbath and other legal prescriptions as strangers to the faith of Christ and unable to share in eternal salvation, unless they recoil at some time from these errors. Therefore it strictly orders all who glory in the name of Christian, not to practise circumcision either before or after baptism, since whether or not they place their hope in it, it cannot possibly be observed without loss of eternal salvation.

With regard to children, since the danger of death is often present and the only remedy available to them is the sacrament of baptism by which they are snatched away from the dominion of the devil and adopted as children of God, it admonishes that sacred baptism is not to be deferred for forty or eighty days or any other period of time in accordance with the usage of some people, but it should be conferred as soon as it conveniently can; and if there is imminent danger of death, the child should be baptized straightaway without any delay,

ecclesie, si desit sacerdos, quemadmodum in decreto Armenorum plenius continetur.

Firmiter credit, profitetur et predicat *omnem creaturam Dei bonam, nichilque rejiciendum, quod cum gratiarum actione percipitur'*, quia iuxta verbum Domini *non quod intrat in os, coinquinat hominem-*, illamque mosaice legis ciborum mundorum et immundorum differentiam ad cerimonialia asserit pertinere, que surgente evangelio transierunt et efficacia esse desierunt. Illam etiam apostolorum prohibitionem, *ab immolatis simulacrorum et sanguine et suffocata**, dicit, illi tempori congruisse, quo ex ludeis atque gentilibus, qui antea diversis ceremoniis moribusque vivebant, una surgebat ecclesia, ut cum ludeis etiam gentiles aliquid communiter observarent et in unum Dei cultum fidemque conveniendi preberetur occasio, et dissensionis materia tolleretur, cum ludeis propter antiquam consuetudinem sanguis et suffocatum abominabilia viderentur, et esu immolaticii poterant arbitrari gentiles ad ydolatriam redituros. Ubi autem eo usque propagata est christiana religio, ut nullus in ea ludeus carnalis appareat, sed omnes ad ecclesiam transeuntes in eosdem ritus evangelii ceremoniasque conveniant, credentes *omnia munda mundis**, illius apostolice prohibitionis causa cessante etiam cessavit effectus. Nullam itaque cibi naturam condemnandam esse denuntiat, quem societas admittit humana, nec inter animalia discernendum per quemcunque sive virum sive mulierem, et quocunque genere mortis intereant, quamvis

1 1 Tm 4, 4; Fulgentius, *De fide* 42 (PL 65,

* Ac 15,29. «Tt1,15.

even by a lay man or a woman in the form of the church, if there is no priest, as is contained more fully in the decree on the Armenians.

It firmly believes, professes and teaches that *every creature of God is good, and nothing is to be rejected if it is received with thanksgiving*¹, because according to the word of the Lord *not what goes into the mouth defiles a person*², and because the difference in the Mosaic law between clean and unclean foods belongs to ceremonial practices, which have passed away and lost their efficacy with the coming of the gospel. It also declares that the apostolic prohibition, to abstain *from what has been sacrificed to idols and from blood and from what is strangled**, was suited to that time when a single church was rising from Jews and gentiles, who previously lived with different ceremonies and customs. This was so that the gentiles should have some observances in common with Jews, and occasion would be offered of coming together in one worship and faith of God, and a cause of dissension might be removed, since by ancient custom blood and strangled things seemed abominable to Jews, and gentiles could be thought to be returning to idolatry if they ate sacrificial food. In places, however, where the Christian religion has been promulgated to such an extent that no Jew is to be met with and all have joined the church, uniformly practising the same rites and ceremonies of the gospel and believing that *to the clean all things are clean**, since the cause of that apostolic prohibition has ceased, so its effect has ceased. It condemns, then, no kind of food that human society accepts and nobody at all, neither man nor woman, should make a distinction between animals, no matter how they died; although for the health of the body, for the practice of virtue or

¹ 1 Tm 4, 4; Fulgentius, *De fide (On the faith)* 42 (PL 65, 704; CChr 91 A, 758).

² Mt 15, 11. ' Ac 15, 29. < Tt 1, 15.

pro salute corporis, pro virtutis
exercitio, pro regulari et ecclesiasti-
ca disciplina possint et debeant mul-
ta non negata dimitti; quia iuxta
s apostolum *omnia licent, sed non omnia
expediunt*¹.

>IUI J^Lli':

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Firmiter credit, profitetur et pré-
dicat nullos extra ecclesiam catho-
licam existentes, non solum paga-
io nos, sed nec ludeos aut hereticos
atque scismaticos² eterne vite fieri
posse participes, sed *in ignem eternum*
ituros, *qui paratus est dyabolo et*
*angelis ei*³, nisi ante finem vite
is eidem fuerint aggregati, tantumque
valere ecclesiastici corporis unita-
tem, ut solis in ea manentibus ad
salutem ecclesiastica sacramenta pro-
ficiant et ieiunia, elemosine ac cetera
» pietatis officia et exercitia militie
Christiane premia etema parturiant,
neminemque quantascunque elemo-
sinas fecerit, et si pro Christi nomi-
ne sanguinem effuderit, posse sal-
as vari⁴, nisi in catholice ecclesie gre-
mio et unitate permanserit.

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Amplectitur autem, approbat et
suscipit sanctam Nicenam synodum
trecentorum decem et octo patrum
» temporibus beatissimi Silvestri pre-
decessoris nostri et magni Constan-
tini piissimi principis congregatam,
in qua impia heresis arriana cum suo
auctore damnata est, et diffinitum
35 est Filium Dei Patri esse consub-
stantialem et coeternum.

i ùIX^I

Amplectitur etiam, approbat et
suscipit sanctam Constantinopoli-
tanam synodum centum quinqu-
40 ginta patrum, beatissimi Damasi
predecessoris nostri et Theodosii
senioris tempore convocatam, que
impium Macedonii anathematizavit
errorem, qui Spiritum sanctum non

¹ 1 Cor 6,12; 10,22. ¹ Fulgentius, *Defalt* 38 (PL 65
* Fulgentius, *Defide* 39 (PL 65, 704).

for the sake of regular and ecclesiastical discipline many things that are not proscribed can and should be omitted, as the apostle says *all things are lawful, but not all are helpful*).

It firmly believes, professes and preaches that all those who are outside the catholic church, not only pagans but also Jews or heretics and schismatics², cannot share in eternal life and will go *into the everlasting fire which was prepared for the devil and his angels*³, unless they are joined to the catholic church before the end of their lives; that the unity of the ecclesiastical body is of such importance that only for those who abide in it do the church's sacraments contribute to salvation and do fasts, almsgiving and other works of piety and practices of the Christian militia produce eternal rewards; and that nobody can be saved, no matter how much he has given away in alms and even if he has shed his blood in the name of Christ⁴, unless he has persevered in the bosom and the unity of the catholic church.

It embraces, approves and accepts the holy synod of 318 fathers at Nicaea, which was convened in the time of our predecessor most blessed Silvester and the great and most pious emperor Constantine. In it the impious Arian heresy and its author was condemned and there was defined that the Son of God is consubstantial and coeternal with the Father.

It also embraces, approves and accepts the holy synod of 150 fathers at Constantinople, which was convoked in the time of our predecessor most blessed Damasus and the elder Theodosius and which anathematized the impious error of Macedonius, who asserted that the holy Spirit is not God but a

¹ ICor6 12;10,22. ² Fulgentius, *De fide (On the faith)* 38 (PL 65, 704; CChr 91A 757).

³ Mt 25 41? ⁴ Fulgentius, *De fide (On the faith)* 39 (PL 65, 704; CChr 91A, 757).

Deum, sed creaturam asserebat. Quos damnant, damnat, good approbant, approbat, et per omnia vult ibidem dittinira illesa et inviolata subsistere.

Amplectitur etiam, approbat-et suscipit sanctam primam Ephesinam synodum ducentorum patrum, que tertia est in ordine universalium synodorum, sub beatissimo Celestino predecessore nostro et Theodosio iuniore convocatam, in qua impii Nestorii est damnata blasfemia, diffinitumque est domini nostri Ihesu Christi veri Dei et veri hominis unam esse personam, et beatam Mariam semper virginem non solum christotochon, sed etiam theotochum, hoc est non tantum hominis, sed Dei genitricem ab omni ecclesia predicandam.

Damnat autem, anathematizat et respuit impiam secundam Ephesinam synodum, sub beatissimo Leone predecessore nostro et prefato principe congregatam, in qua Dioscorus Alexandrinus antistes, Euticis heresiarche defensor et sancti Flaviani Constantinopolitani pontificis impius persecutor, execrandam illam synodum ad approbationem euticiane impietatis arte et minis attraxit.

Amplectitur etiam, approbat et suscipit sanctam Calcedonensem synodum, quartam in ordine universalium synodorum, sexcentorum et triginta patrum temporibus prefati beatissimi Leonis predecessoris nostri et Martiani principis celebratam, in qua heresis euticianana cum suo auctore Eutice et Dioscoro defensore damnata est, et diffinitum est dominum nostrum Ihesum Christum esse verum Deum et verum hominem, et in una eademque persona divinam humanamque naturas inte-

creature. Those whom they condemn, it condemns; what they approve, it approves; and in every respect it wants what was defined there to remain unchanged and inviolate.

It also embraces, approves and accepts the first holy synod of 200 fathers at Ephesus, which is third in the order of universal synods and was convoked under our predecessor most blessed Celestine and the younger Theodosius. In it the blasphemy of the impious Nestorius was condemned, and there was defined that the person of our lord Jesus Christ, true God and true man, is one and that the blessed ever-virgin Mary should be preached by the whole church not only as Christ-bearer but also as God-bearer, that is as mother of God as well as mother of the man.

But it condemns, anathematizes and rejects the impious second synod of Ephesus, which was convened under our predecessor most blessed Leo and the aforesaid emperor. In it Dioscorus, bishop of Alexandria, defender of the heresiarch Eutyches and impious persecutor of holy Flavian, bishop of Constantinople, with cunning and threat led the execrable synod to an approval of the Eutychian impiety.

It also embraces, approves and accepts the holy synod of 630 fathers at Chalcedon, which is fourth in the order of universal synods and was held in the time of our predecessor most blessed Leo and the emperor Marcian. In it the Eutychian heresy and its author Eutyches and its defender Dioscorus were condemned, and there was defined that our lord Jesus Christ is true God and true man and that in the one and same person the divine and human natures remain entire, inviolate, incorrupt, unconfused and distinct, the humanity doing

gras, inviolatas, incorruptas, in-
confusas, distinctasque mansisse,
humanitate agente, que hominis
sunt, et deitate, que Dei. Quos dam-
s nat, damnatos habet; quos appro-
bat, approbatos.

Amplectitur etiam, approbat et tfÂJI
suscipit sanctam quintam synodum,
secundo apud Constantinopolim,
io tempore beatissimi Vigilii prede-
cessoris nostri et Justiniani princi-
pis celebratam, in qua sacri Calce-
donensis concilii diffinitio de dua-
bus naturis et una persona Christi
15 renovata est, multique Origenis
errores suorumque sequacium, pre-
sertim de demonum aliorumque
damnatorum penitentia et libera-
tione, reprobati atque damnati sunt.

Amplectitur etiam, approbat et
suscipit sanctam tertiam Constan-
tinopolitanam synodum centum
quinguaginta patrum, que sexta est
in ordine universalium synodorum,
temporibus beatissimi Agathonis
predecessoris nostri et Constantini
IV huius nominis principis congre-
gatam in qua Macharii Anthioceni
et sectatorum heresis condemnata
30 est, et diffinitum est in domino
nostro Ihesu Christo duas esse per-
fectas integrasque naturas et duas jiUII <
operationes, duas etiam voluntates,
licet esset una eademque persona,
cui utriusque nature competerent
actiones, deitate agente, que Dei
sunt, et humanitate, que hominis
sunt.

Amplectitur etiam, approbat et
40 suscipit omnes alias universales syn-
odos auctoritate Romani pontifi-
cis legitime congregatas ac celebra-
tas et confirmatas, et presertim hanc
sanctam Florentinam, in qua inter
alia Grecorum atque Armenorum
sanctissima unio consummata est,
et multe circa utramque unionem S

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what befits man, the divinity what befits God. Those whom they condemn, it condemns; those whom they approve, it approves.

It also embraces, approves and accepts the fifth holy synod, the second of Constantinople, which was held in the time of our predecessor most blessed Vigilius and the emperor Justinian. In it the definition of the sacred council of Chalcedon about the two natures and the one person of Christ was renewed and many errors of Origen and his followers, especially about the penitence and liberation of demons and other condemned beings, were refuted and condemned.

It also embraces, approves and accepts the third holy synod of 150 fathers at Constantinople, which is sixth in the order of universal synods and was convened in the time of our predecessor most blessed Agatho and the emperor Constantine IV. In it the heresy of Macarius of Antioch and his adherents was condemned, and there was defined that in our lord Jesus Christ there are two perfect and complete natures and two principles of action and also two wills, although there is one and the same person to whom the actions of each of the two natures belong, the divinity doing what is of God, the humanity doing what is human.

It also embraces, approves and accepts all other universal synods which were legitimately summoned, celebrated and confirmed by the authority of a Roman pontiff, and especially this holy synod of Florence, in which, among other things, most holy unions with the Greeks and the Armenians have been achieved and many most salutary definitions in respect of each of these unions have been

saluberrime diffinitiones edite sunt,
prout in decretis desuper promul-
gatis plene continetur, quorum te-
nor in hunc modum sequitur.
*Litentur ceti.. -1 Exultate Deo . . .**

Verum quia in suprascripto de-
creto Armenorum non est explicata
forma verborum, quibus in con-
secratione corporis et sanguinis Do-
mini sacrosancta Romana ecclesia,
apostolorum Petri et Pauli doctrina
et auctoritate firmata semper uti
consuevit, illam presentibus duxi-
mus inserendam. In consecratione
corporis Domini hac utitur forma
verborum : *Hoc est enim corpus meum.*
Sanguinis vero: *Hic est enim calix*
sanguinis mei, novi et eterni testamenti,
misterium fidei, qui pro vobis et pro
multis effundetur in remissionem pecca-
torum.*

Panis vero triticeus, in quo sacra-
mentum conficitur, an eo die an
antea decoctus sit, nichil omnino
refert; dummodo enim panis sub-
stantia maneat, nullatenus dubitan-
dum est, quin post predicta verba
consecrationis corporis a sacerdote
cum intentione conficiendi prolata,
mox in verum Christi corpus trans-
substantietur.

Quoniam nonnullos asseritur
quartas nuptias tanquam condem-
natas respuere, ne peccatum, ubi
non est, esse putetur, cum secun-
dum apostolum mortuo viro mulier
sit ab eius lege soluta, et nubendi,
cui vult, in domino habeat facul-
tatem*, nec distinguat, mortuo pri-
mo, secundo vel tertio, declaramus
non solum secundas ac tertias, sed
et quartas atque ulteriores, si ali-
quod canonicum impedimentum

; Wde supra pp. 524-528. . Vide supra pp. 534.55,

• Missale Romanum* cf. " 73" " . os : Mc " - , 8i U

■ Cor H, 25.

issued, as is contained in full in the decrees previously promulgated, which are as follows: *Let the heavens be glad – – Exult in God ..* 2*

However, since no explanation was given in the aforesaid decree of the Armenians in respect of the form of words which the holy Roman church, relying on the teaching and authority of the apostles Peter and Paul, has always been wont to use in the consecration of the Lord's body and blood, we concluded that it should be inserted in this present text. It uses this form of words in the consecration of the Lord's body: *For this is my body.* And of his blood: *For this is the chalice of my blood, of the new and everlasting covenant, which will be shed for you and for many unto the remission of sins*.*.

Whether the wheat bread, in which the sacrament is confected, has been baked on the same day or earlier is of no importance whatever. For, provided the substance of bread remains, there should be no doubt at all that after the aforesaid words of consecration of the body have been pronounced by a priest with the intention of consecrating, immediately it is changed in substance into the true body of Christ.

It is asserted that some people reject fourth marriages as condemned. Lest sin is attributed where it does not exist, since the apostle says that a wife on her husband's death is free from his law and free in the Lord to marry whom she wishes⁴, and since no distinction is made between the deaths of the first, second and third husbands, we declare that not only second and third marriages but also fourth and further ones may lawfully be contracted, provided there is no

¹ See above pp. 524-528. ² See above pp. 534-559.

³ Roman missal; see Mt 26, 28; Mk 14, 18; Lk 22, 20; 1 Cor 11, 25.

⁴ See Rm 7, 3; 1 Cor 7, 39.

non obstat, licite contrahi posse. Commendatiores tamen dicimus, si ulterius a coniugio abstinentes in castitate permanserint, quia sicut s virginitatem viduitati, ita nuptiis castam viduitatem laude ac merito preferendam esse censemus.

His omnibus explicatis prefatus Andreas abbas nomine dicti patri- lo arche ac proprio et omnium laco- binorum hoc saluberrimum synoda- le decretum cum omnibus suis ca- pitulis, declarationibus, diffinitioni- bus, traditionibus, preceptis et u statutis, omnemque doctrinam in ipso descriptam necnon quicquid tenet et docet sancta sedes aposto- lica et Romana ecclesia, cum omni devotione et reverentia suscipit et 2« acceptat. Illos quoque doctores et sanctos patres, quos ecclesia Roma- na approbat, ipse reverenter susci- pit; quascunque vero personas et quicquid ipsa Romana ecclesia re- 25 probat et damnat, ipse pro repro- batis et damnatis habet, profitens tanquam vere obedientie filius no- mine, quo supra, ipsius sedis apo- stolice ordinationibus et iussioni- jo bus fideliter et semper obtempe- rare.

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canonical impediment. We say, however, that they would be more commendable if thereafter they abstain from marriage and persevere in chastity because we consider that, just as virginity is to be preferred in praise and merit to widowhood, so chaste widowhood is preferable to marriage.

After all these explanations the aforesaid abbot Andrew, in the name of the aforesaid patriarch and of himself and of all the Jacobites, receives and accepts with all devotion and reverence this most salutary synodal decree with ail its chapters, declarations, definitions, traditions, precepts and statutes and all the doctrine contained therein, and also whatever the holy apostolic see and the Roman church holds and teaches. He also reverently accepts those doctors and holy fathers whom the Roman church approves, and he holds as rejected and condemned whatever persons and things the Roman church rejects and condemns, promising as a son of true obedience, in the name of the above persons, faithfully and always to obey the regulations and commands of the said apostolic see.

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SESSIO XII¹

14 oct. 1443

[Eugenius IV concilium Lateranense id est continuationem
concilii Florentini indicit]

Eugenius. Indictio concilii Lateranensis. Ad perpetuam rei memoriam. Humani generis redemptoris Dei et domini nostri Ihesu Christi, cuius ineffabili providentia totum ecclesie corpus sanctificatur et regitur, ac per ipsius assistenciam pr̄ter merita nostra, et ultra quam aut expetere aut efflagitare dignoscamus, dona iam nobis et misericordie sue munera quotidie proveniunt, infinita clemencia atque miseracione ad almam

¹ Hacc est sessio prima Romae celebrata.

SESSION 121

14 October 1443

(Eugenius IV convokes the Lateran council, that is, the continuation of the council of Florence]

Eugenius. Convocation of the Lateran council. For an everlasting record. By the infinite clemency and pity of the redeemer of the human race, our God and lord Jesus Christ, by whose ineffable providence the whole body of the church is sanctified and ruled and through whose aid — which surpasses our merits and exceeds what we recognise ourselves as worthy either to seek or to solicit— gifts and favours of his mercy daily come to us, we have returned to bountiful Rome,

¹ This was the first session at Rome.

Urbem ad beatissimi Petri sedem, ad sancta sanctorum ad Lateranum patriarchium reversi illa magna cum fiducia amplectimur ac prosequimur desiderio, que divino potius quam humano ingenio aut adiuta aut illustrata videntur. Hinc est, quod, cum ex certis, iustis, rationabilibus et
 5 necessariis causis animam tunc nostram moventibus sacrosanctum ycumenicum Florentinum concilium, cui eo tempore presidebamus, ad hanc almam Urbem et Lateranensem basilicam, prima post quintam decimam adventus nostri diem, restaurandum, continuandum et prosequendum auctoritate apostolica et de plenitudine potestatis eodem
 10 approbante concilio transtulerimus, quemadmodum in literis inde confectis serius contineatur, quarum tenor de verbo ad verbum sequitur, et est talis:

Eugenius episcopus, servus servorum Dei, ad perpetuam rei memoriam! * Miserator et misericors Dominus * Filium suum unigenitum humanam assumere naturam et in unam sibi
 15 copulare personam ideo instituit, ut ineffabilis unionis illius virtute non solum collapsa repararetur natura, sed per amplexus sponsi et oscula oris sui³, sponsa ipsius, sancta proveheretur ecclesia, membra illius nexu quodam firmissimo inter se iungerentur amoris, christianusque populus in concordia pacem et spiritus unitate salutem, in caritatis vinculo gloriam adipisceretur.

20 Nos itaque, in quantum ex ipsius domini et salvatoris nostri Ihesu Christi, cuius vices licet immeriti gerimus in terris, nobis misericordia conceditur, per eius vestigia incedentes salutem et unitatem et pacem christiani populi ardenter cupimus et supremis studiis procuramus, ad conservacionem huius sacrosancti ycumenid concilii quadam diligencia non immerito invigilamus. In quo mira eiusdem Salvatoris benignitate atque clemencia plurima
 25 clarissima opera ad ipsius laudem et gloriam, catholice fidei augmentum, populi christiani unitatem, ac sancte sedis apostolice et Romane ecclesie exaltacionem gesta sunt.

Vidimus enim nostris temporibus Grecos, Armenos, iacobitas et alios pene populos innumerabiles, quorum nonnulli quingentorum pene, quidam vero septingentorum annorum curriculo a ritu et sancta Romane ecclesie doctrina dissidentes extiterunt, in hoc sacro
 30 concilio per Dei demendam sub una divina veritatis lege nobiscum coniunctos ac nos tanquam verum Christi vicarium et Petri successorem ac universalis ecclesie pastorem debita reverenda fuisse complexos.

Verum, cum Salvatoris nostri benignitas mensuram non habeat, ut continuo hiis potissimum experimur temporibus, qui ad christiani populi et sui corporis mistici unitatem actus
 35 moderatur, pro qua et ipse oravit: *Volo, pater, W unum sint, quemadmodum et nos unum sumus*¹, ex infinita ipsius demenda nostris eciam temporibus concessum esse dignoscitur, ut carissimi in Christo filii nostri Zare iacob, regis Ethiopie, quem vulgo presbyterum Iohannem appellant, divina, ut confidimus, inspiracione exdtati, cui plurimi reges et innumerabiles pene populi subiecti sunt, oratores plena potestate suffultos ad suscipiendum in hoc sacro-
 40 sancto concilio orthodoxe fidei doctrinam, a qua in plerisque articulis aberrant, ad nos venturos expectemus. Cumque nos ad confovendum et accelerandum tam sanctum tamque divinum et toti christianitati necessarium propositum nuncios et oratores nostros misimus, quorum fervor in hoc sancto opere maximus sit et auctoritas apud prefatum potentissimum regem non mediocris,

45 plurimaeque alia opera ad Dei laudem et fidei et christiani populi incrementum nobis proposita sunt, in quibus eciam nostram diligendam — neque magnitudine impensarum neque laborum multitudine territi in illius virtute confisi sumus, cuius instinctu permoti sunt —

¹ Bulla translationis condilii Florentini Romam 26 apr. 1443 data.

« Cf. Ps 110, 4. ³ Cf. Cn 1,1. < Io 17,22.

the see of most blessed Peter, to the holy of holies, the Lateran of the patriarchs. With great trust we are embracing and earnestly pursuing the things which seem to be promoted and revealed by divine rather than by human wisdom. Hence it is that because of various just, reasonable and necessary causes which then moved our mind, by apostolic authority and the plenitude of power and with the approval of the council, we transferred the holy ecumenical council of Florence, over which we were then presiding, to this bountiful city of Rome and the Lateran basilica, to be re-established and continued on the first day following the fifteenth day after our arrival, as is contained in more detail in the letter composed for that purpose, whose text is word for word as follows:

Eugenius, bishop, servant of the servants of God, for an everlasting record¹. The compassionate and merciful Lord² ordained that his only-begotten Son should assume a human nature and should so join it to himself into a single person that not only would fallen nature be repaired by virtue of that ineffable union, but also by his embrace as spouse and by the kiss of his mouth³ his bride the holy church would be brought forth, her members would be joined together by a solid bond of love, and the Christian people would acquire peace in harmony, salvation in a unity of spirit, and glory in the bond of charity.

In so far as it is granted to us by the mercy of our lord and saviour Jesus Christ, whose place we though unworthy take on earth, we, following in his footsteps, ardently desire and intensely pursue the salvation, unity and peace of the Christian people. Therefore we are intent, with a deserved watchfulness, on the conservation of this holy ecumenical council. In it, by the marvellous kindness and mercy of the same Saviour, very many most noteworthy works have been achieved for his praise and glory, the increase of the catholic faith, the unity of the Christian people and the exaltation of the holy apostolic see and the Roman church.

For in our own days we have seen Greeks, Armenians, Jacobites and other almost innumerable peoples, some of whom have been separated from the rite and the holy teaching of the Roman church for almost five hundred or even seven hundred years, joined with us in this sacred council, by God's mercy, under one divine law of truth and embracing us with due reverence as the true vicar of Christ, the successor of Peter and the shepherd of the universal church.

There are no limits to the kindness of our Saviour, who works for the unity of the Christian people and his mystical body, for which he prayed: I wish, Father, *that they may be one even as we are one*^{*}. Indeed we are experiencing his kindness particularly in these times. For his infinite mercy has granted that we are now awaiting the arrival of envoys, furnished with full power to accept in this holy council the doctrine of the orthodox faith from which their peoples have gone astray in many points, from our most dear son in Christ Zar'a Ya'qob, king of Ethiopia, commonly called Prester John, to whom very many kings and almost innumerable peoples are subject and who is impelled, as we trust, by divine inspiration. To foster and hasten such a holy and divine proposal, which is so necessary for the whole of Christianity, we have sent our own nuncios and envoys, who are full of zeal for this holy task and have considerable influence with the said most powerful king.

Many more works have been proposed to us for the praise of God and the increase of the faith and the Christian people. We wish to give careful attention to them. Frightened by neither the heavy expenses nor the many labours, we put our trust in the power of him whose inspiration motivates us. Let us hope, moreover, that in the course of time many other

¹ Bull of translation of the council of Florence to Rome, dated 26 April 1443.

² See Ps 110, 4. ³ See Sg 1, 1. ⁴ Jn 17, 22.

accommendaverimus speremusque» quod procedente tempore alii plures optati et salutare
 fructus in fide catholica et ecclesia Christi provenient» prescruum si hec sancta synodus in
 loco maioris auctoritatis et regia et sacerdotali civitate celebrari contigerit; ad almam urbem
 Romanam peculiarem civitatem nostram» quam» ut decens est» horum salutarium et divi-
 norum operum participem et adiutricem esse desideramus, aciem nostre mentis direximus, 5
 quam unquam bonorum omnium ram spiritualium quam temporalium uberem ad huius-
 modi sancta opera perficienda et religiose ac feliciter consummanda ceteris aliis urbibus
 sanctiorem et prestandorem esse arbitramur. In ea enim Salvator noster in beato Petro,
 omnium apostolorum principe» et eam eius providenda sedem apostolicam collocavit» cui
 miranda ipsius Salvatoris provisio beatum Paulum apostolum per dexteram societatis adiun- 10
 xit. Isti sunt duo fidei propugnacula, per quos evangelium Rome resplenduit, isti sunt veri
 patres verique pastores» isti sunt» qui una die pro merito, uno loco pro gratia» sub uno per-
 secutore pro parili virtute compassi urbem ipsam sacerdotalem et regiam per sacram Petri
 sedem caput orbis effectam glorioso cruore martirii Christo domino consecrarunt. »Omnes
 enim, sive patriarche cuiuslibet apicem, sive metropolitan! primatus aut episcopatum ca- 15
 thedras vel ecclesiarum cuiuscumque ordinis dignitates instruit Romana ecclesia; illam
 vero solus ipse fundavit, et supra petram fidei mox nascentis erexit» qui beato Petro et e-
 vite clavifero celestis simul et terreni imperii iura commisit/* Cum itaque Urbs ipsa tot
 tantisque divinis muneribus nobilitata et illustrata sit et tanta auctoritate prefulgeat, eam
 plurimum apostolorum, marum atque confessorum reliquiis et sanctimonia fideles undi- 20
 que ad se allidat» et Christiane nationes et populi in ultimis eam mundi partibus existentes
 ad dictam urbem confluant, qui eam plurimum desiderare videantur, ut ad nostram sedem
 Romanis pontificibus divinitus constituam redeamus, ut tam apud nos ipsius sedis auctori-
 tate quam apud ipsam sedem prescencia et auctoritate nostra maior in christiano populo
 venerando et devoto augeatur, cumque ceteros eam effecti sumus, quod ob nostram 25
 in eadem urbe residendam subditi et fideles nostri et Romane ecclesiae, ad quorum pacem
 et tranquillitatem procurandam et conservandam peculiari quodam studio astricti sumus,
 maxima pacis et unitatis suscipiet incrementa, et quod per hoc Deo propitio expediores
 et potendores futuri sumus ad continuanda pacis et concordie opera, et prout ardentem
 desideramus, inter alios catholicos reges et principes et populos quietam pacem et unitatem 30
 componendam ac stabiliendam.

hoc sacrosanctum yecumenicum concilium Florentinum ad prefatam Urbem, locum ydo-
 neum et securum et omnium rerum ad usum hominum pertinendum tam bonitate et fecun-
 ditate soli quam maritima deductione plurimum habundantem prefatis necessariis et aliis
 pluribus iustis et rationabilibus causis animum nostrum moventibus ad omnipotentis Dei
 laudem et gloriam» ad heresum errorumque extirpacionem, reformationem morum» pacem,
 salutem et augmentum populi christiani et reliqua sancta opera duce Domino felidter con-
 summanda, pro quibus predictum concilium ab inicio congregatum extitit,

in nomine sancte et individue Trinitatis, Patris et Filii et Spiritus sancti, ex approbatione
 prefati generalis concilii nonas ianuarii proxime preteriti, nobis presidentibus in generali 40
 congregatione habita» auctoritate apostolica tenore presentium ex nunc transferimus et
 eadem auctoritate translatum esse in basilica Lateranensi» prima propriaque summi ponti-
 ficis et vicarii Ihesu Christi sede, die proxima post quintam decimam introitus nostri ad
 ipsam almam Urbem resumendum, continuandum» proseguendum esse decrevimus et
 declaramus per presentes. Irrefragibili insuper constitutione ac decreto sancimus, ut
 omnes et singule securitates et salviconductus, quos in principio huius sacri concilii conces-
 simus» quos de novo extendimus et prorogamus; proinde presentibus litteris inscripti esse
 et illam vim et efficaciam habere censeantur, ac si de verbo ad verbum de eisdem in hac
 nostra synodali constitutione mencio facta et inserti ac denotati fuissent. Nulli ergo ...
 Si quis autem ...

50

1 Nicolaus II papa (1059-1061), *Mediolar^mibui* (PL 145,91).

desirable and salutary fruits will accrue to the catholic faith and the church of Christ, especially if this holy synod is held in a place of greater importance and in a royal and sacerdotal city. To the genial city of Rome, which is particularly our city and which, as is right, we want to participate and help in these salutary and divine tasks, we have turned our attention, a city which we consider to be abounding in all spiritual and temporal goods and more holy and outstanding than all other cities for carrying out these holy tasks and bringing them to a religious and happy conclusion. For in it our Saviour in his eternal providence settled the apostolic see in blessed Peter, prince of all the apostles, and on his right in fellowship the wondrous foresight of the same Saviour added the blessed apostle Paul. They are two bulwarks of the faith through whom the gospel shone in Rome; they are true fathers and true pastors; they are those who suffered on one day for merit, in one place for grace, under one persecutor for equal virtue, and made this city sacerdotal and royal and the capital of the world, as being the holy seat of Peter, and consecrated it to the lord Christ with the glorious blood of martyrdom. “For the Roman church founded all, whether the eminence of a patriarch or the seats of metropolitan primacy or of bishoprics or the dignities of churches of whatever rank; he alone, who entrusted to blessed Peter, the key-bearer of eternal life, the rights of the heavenly as well as of the earthly kingdom, founded the Roman church and straightaway set it on the rock of nascent faith.”¹ Since, then, the city of Rome has been ennobled and distinguished by so many and so great divine gifts and is resplendent with so much authority and also draws the faithful to itself from all sides by the relics and sanctity of apostles, martyrs and confessors; since Christian nations and peoples even in the furthest pans of the world flock to the said city and are seen to desire greatly that we return to our see, which has been divinely constituted for Roman pontiffs, in order that a greater veneration and devotion may grow in the Christian people towards both us, through the authority of the said see, and the said see, through our presence and authority; and since we are informed that, on account of our residence in Rome, subjects and faithful of ours and of the Roman church, whose peace and tranquillity we are bound to procure and preserve with special zeal, will enjoy much greater peace and unity and that in this way, with God’s blessing, we shall be more expeditious and effective in pursuing works of peace and harmony and in arranging and confirming, as we ardently desire, peace and unity among other catholic kings and princes and peoples;

Therefore to Rome, which is a suitable and safe place fulfilling all human needs as regards fertility of the soil and sea transport; under the influence of the above-mentioned necessary causes and many other just and reasonable ones which direct our mind to the praise and glory of almighty God, the extirpation of heresies and errors, the reform of morals, the peace, salvation and increase of the Christian people and the prosecution of other holy works, under the Lord’s leadership, for which the said council was originally convened;

In the name of the holy and undivided Trinity, Father, Son and holy Spirit, with the approval of the said general council given on 5 January last, in a general congregation under our presidency, by apostolic authority and by this present letter, we translate as from now this holy ecumenical council of Florence; and by the same authority and the same letter we have decreed and declared it to be translated to the Lateran basilica, which is the first and proper seat of the supreme pontiff and the vicar of Jesus Christ, to be resumed, continued and prosecuted on the day following the fifteenth day after our entry into bountiful Rome. In addition, by an inviolable constitution and decree we ordain that each and all of the securities and safe-conducts, which we granted at the beginning of this sacred council and which we are extending anew and prolonging, are to be considered as included in this present letter and as having the same force and effect as if they had been mentioned word for word in this our synodal constitution and had been inserted and denoted in it. Let nobody therefore ...**If** anyone however ...

¹ Pope Nicholas II (1059-1061), *Mediolanensibus (To the Milanese)* (PL 145, 91).

Nos cum instituta iam dies advenerit, et cuncta, propter que resumen-
dum tunc esse concilium videbatur, nunc magis quam umquam necessaria
esse dignoscantur, prefatis necessariis et aliis pluribus iustis et rationa-
bilibus causis animam nostram moventibus, ad omnipotentis Dei laudem
s et gloriam, ad heresum errorumque extirpacionem, reformationem
morum, pacem, salutem et augmentum populi christiani, et reliqua sancta
opera duce Domino feliciter consummanda, pro quibus predictum con-
cilium ab inicio congregatum extitit.

In nomine sancte et individue Trinitatis, Patris et Filii et Spiritus sancti,
10 auctoritate, potestate et approbacione similibus tenore presentium pre-
dictum Florentinum concilium ycumenicum translatum ut supra

resumimus, continuamus et prosequimur ac in hac sacri patriarchii
Lateranensis concilii aula continuacionem, resumeionem et prosecu-
cionem habere decernimus et declaramus per présentes, monentes et
is requirentes omnes et singulos, qui in generalibus conciliis de iure vel
consuetudine interesse tenentur* quatenus ad hoc presens sacrosanctum
Lateranense ycumenicum concilium, ut premittitur, continuatum, pro
quibus supradictum est exequendis, quamprimum possint, se conferre
procurent. Irrefragibili insuper hac constitucione atque decreto iterum
m sancimus, ut omnes et singule securitates ac salviconductus, quos in
principio sacri ycumenici concilii Ferrariensis concessimus, quosque de
novo extendimus et prorogamus, perinde* presentibus literis inscripti
esse et illam vim et efficaciam habere censeantur ac si de verbo ad verbum
de eisdem in hac nostra synodal! constitucione mencio facta et inserti ac
25 denotati fuissent.

Nulli ergo ... Si quis autem ...

SESSIO XIII

30 nov. 1444

[Bulla unionis Syrorum]

Eugenius episcopus, servus servorum Dei, ad perpetuam rei memoriam.
Multa et admirabilia diebus nostris et longe maiora quam aut ipsi nos
30 expetere aut cogitare possemus, ineffabilis divine miserationis clementia
ecclesie sue sancte dona largitur, unde et fidem orthodoxam dilatari et
novos in dies ad obedientiam sedis apostolice populos redire ac nobis et
omnibus Christi fidelibus letitie et exultationis causas cotidie renovari
sentimus, ita ut merito cum propheta in iubilatione fidelibus populis
35 sepenumero dicere provocemur: *Venite et exultemus Domino, iubilemus*
*Deo salutari nostro*¹, *quoniam magnus Dominus et laudabilis nimis in civitate Dei*
*nostrae, in monte sancto eius*². Vere, cum in ecclesia catholica, que est Dei
civitas in monte sancto³ apostolice sedis et Petri auctoritate fundata,

» proinde v. / . *CF* 1/3, 88

* Ps 94,1,3. » Ps 47, 2. » Cf. Mt 5,14.

Now that the appointed day has come and all the reasons for which it had then seemed necessary to resume the council are recognised to be more than ever necessary, with the said necessary reasons and many other just and reasonable ones impelling us, for the praise and glory of almighty God, the extirpation of heresies and errors, the reform of morals, the peace, salvation and increase of the Christian people, and the completion of other holy works, under the Lord's leadership, for which the aforesaid council was originally convened;

In the name of the holy and undivided Trinity, Father, Son and holy Spirit, by the same authority and power, with the same approval and by this present letter;

We resume, continue and carry forward the aforesaid ecumenical council of Florence, which was translated as above, and we decree and declare by this present letter that this continuation, resumption and prosecution is taking place in this council hall of the sacred Lateran patriarchate. We warn and require each and all of those who are bound by law or custom to take part in general councils that they should come as quickly as possible to this present holy ecumenical Lateran council, as referred to above, which is continuing for the attainment of the above-mentioned ends. In addition, we ordain again by this constitution and decree that each and all of the securities and safe-conducts, which we granted at the beginning of the sacred ecumenical council of Ferrara and which we are extending anew and prolonging, are to be considered as included in this present letter and as having the same force and effect as if they had been mentioned word for word in this our synodal constitution and had been inserted and denoted in it.

Let nobody therefore ... if anyone however ...

SESSION 13

30 November 1444

[Bull of union with the Syrians]

Eugenius, bishop, servant of the servants of God, for an everlasting record. In these our days the ineffable clemency of divine mercy bestows on his holy church many and marvellous gifts which are much greater than we could have asked for or envisaged. Hence we see that the orthodox faith is expanded, new peoples daily return to the obedience of the apostolic see and reasons for joy and exaltation are daily being multiplied for us and all Christ's faithful, in such wise that we are deservedly incited time and again to say in jubilation with the prophet to the faithful peoples: *Come, let us exult in the Lord, let us hail the God who saves us\for the Lord is great and most worthy of praise in the city of our God, on his holy mountain*². It is true that in the catholic church, which is the city of God on the holy mountain' and is founded on the authority of the apostolic see and Peter, God, whose omnipotence and wisdom knows no limits,

¹ Ps94, 1,3. ² Ps 47, 2. ³ See Mt 5, 14.

semper magna et inscrutabilia operatus sit Deus, cuius omnipotence et sapientie non est numerus hoc tamen singulare atque precipuum illi prestitit ineffabilis providentia conditoris, ut orthodoxa fides, que humanum genus sola vivificat, sola sanctificat, in monte illo sancto, in una et immutabili semper maneat confessione veritatis, et dissensiones, que adversus ecclesiam de terrenarum opinionum varietate nascuntur et a petre illius soliditate disiungunt, ad montem illum redeuntes exterminentur et eradicentur; quo fit, ut ad eius gremium confluentes populi atque nationes in unam cum ipso conveniant fidei veritatem.

Hec autem Dei munera tam magna, tam excelsa, tam insolita, non meritis nostris profecto nobis conspicere ipsius bonitatis immensitas, sed sua sola benignitate et dignatione concessit, ut post unionem Græcorum in sacro ycumenico concilio Florentino, qui cum Romana ecclesia in quibusdam articulis discrepare videbantur, ac post reductionem Armenorum et Iacobitarum, qui variis opinionibus involuti, omni tandem dissensione relictæ in unam rectam veritatis semitam convenerunt.

Ecce nunc iterum ipso coopérante Domino aliæ nationes de longinquo convenerunt inter Tygrim et Euphratem, Mesopotamiam habitantes, que de processione Spiritus sancti et aliis quibusdam articulis non recte sentiebant.

Multa igitur nobis et omnibus Christi fidelibus est causa letandi, quia iam annuente Domino Romane ecclesie splendidissima de fidei veritate assertio, que munda semper fuit ab omni macula falsitatis, etiam apud orientem ultra Euphratis terminos novis corruscationibus micat, adeo, ut venerabilem fratrem nostrum Abdalam archiepiscopum Edesse, venerabilis fratris nostri Ignatii patriarche Syrorum atque totius nationis sue legatum ad hanc usque almam Urbem ad presentiam nostram et sacrum hoc Lateranense ycumenicum concilium traxerit et vocarit humiliter et devote postulantem, ut eam fidei regulam, quam sacrosancta Romana profitetur ecclesia, eisdem traderemus.

Nos autem, qui inter cunctas sancte sedis apostolice sollicitudines hanc primam et precipuam curam gerimus, prout semper gessimus, evangelii scilicet defendere veritatem et orthodoxam fidem, exterminatis heresibus longe lateque diffundere et propagare, quosdam ex venerabilibus fratribus nostris sancte Romane ecclesie cardinalibus delegimus, qui accersitis ex hoc sacro concilio aliquibus in sacra pagina magistris, cum predicto archiepiscopo de difficultatibus, dubiis et erroribus illius nationis conferrent illumque ipsum examinarent ac ei catholice veritatis disciplinam aperirent et tandem de integritate fidei ecclesie Romane plene illum instruerent et docerent.

Quem cum per omnia de fide et moribus recte sentientem invenissent, tribus dumtaxat exceptis articulis, de processione scilicet Spiritus sancti, de duabus in Christo Ihesu salvatore nostro naturis ac totidem in illo voluntatibus et operationibus, veritatem illi fidei orthodoxe patefecerunt, aperuerunt sacrarum literarum intellectus, attulerunt sanctorum doctorum testimonia, et que materie congruebant, rationes verissimas induxerunt.

has always worked great and inscrutable deeds. But the singular and special gift which the ineffable providence of its founder bestowed on it is that the orthodox faith, which alone gives life to and sanctifies the human race, should abide for ever on that holy mountain in a unique and unchangeable profession of faith and that dissents, which arise against the church from the variety of earthly opinions and separate people off from the firmness of that rock, should return to that mountain and be exterminated and eradicated. Whence it comes about that the peoples and nations thronging to its bosom agree with it in one truth of faith.

Assuredly it is not from our merit that the immensity of divine goodness has granted us to behold these great, sublime and marvellous gifts of God. His benevolence and condescension alone have granted that after the union of the Greeks in the sacred ecumenical council of Florence, who were seen to differ from the Roman church in some articles, and after the return of the Armenians and the Jacobites, who were entangled in various opinions, they should at last, having abandoned all dissent, come together into the one right way of truth.

Behold now again with the Lord's help other nations have gathered from afar, inhabitants of Mesopotamia between the Tigris and the Euphrates, whose thinking about the procession of the holy Spirit and some other articles had gone astray.

Great, then, for us and for all Christ's faithful is the reason for rejoicing. For with the Lord's approval the most illustrious profession of the Roman church about the truth of the faith, which has always been pure from all stain of error, shines with new beams also in the east beyond the bounds of the Euphrates inasmuch as it has drawn our venerable brother Abdala, archbishop of Edessa and legate of our venerable brother Ignatius, patriarch of the Syrians, and of his whole nation, to us here in bountiful Rome and to this sacred ecumenical Lateran council and has bidden him humbly and devoutly to petition that we give to them the rule of faith which the holy Roman church professes.

Among all the preoccupations of the holy apostolic see, we hold, as we have always done, our first and chiefest care to be the defence of the faith, the extermination of heresies and the propagation of the orthodox faith. Therefore we selected some of our venerable brethren, cardinals of the holy Roman church, who in turn co-opted from this sacred council some masters in holy scripture, to confer with the aforesaid archbishop about the difficulties, doubts and errors of that nation, to examine him in person and to open to him the rule of catholic truth, and finally to instruct and inform him fully about the integrity of the faith of the Roman church.

They found him orthodox on all points of faith and practice except three articles: namely, the procession of the holy Spirit, the two natures in Jesus Christ our saviour, the two wills and principles of action in him. They laid before him the truth of the orthodox faith, opened up the meaning of the sacred scriptures, adduced the testimonies of holy doctors and added telling and pertinent reasons.

Quorum intellecta doctrina archiepiscopus ipse dubitationibus suis omnibus plene satisfactum esse contestans, tam de Spiritus sancti processione quam de duabus naturis et duabus voluntatibus et operationibus in Christo Ihesu domino nostro talia sentire professus est, ut veritatem
s fidei plene intelligere videretur profitereturque se nomine prefati patriarche totiusque nationis et suo omnem fidem omnemque doctrinam suscepturum, quam eidem hoc sacro approbante concilio traderemus.

Propter que omni in Christo exultatione perfusi gratias immensas Deo nostro effudimus, quia votum nostrum in salutem nationis illius videmus
10 adimpletum.

Diligenti itaque cum fratribus nostris et sacro concilio tractatu prehabito fidem atque doctrinam, quam sacrosancta Romana tenet mater ecclesia, eodem sacro approbante concilio, eidem archiepiscopo prefatis nominibus recipienti tradere et assignare decrevimus.

is Hec est igitur fides, quam semper sacrosancta Romana tenuit, predicavit et docuit mater ecclesia, quamque ad presens tenet, prædicat, profitetur et docet; hanc dictum Abdalam archiepiscopum vice et nomine prefati patriarche Syrorum, totius nationis illius atque suo in iis tribus articulis suscipere et perpetuis in futurum temporibus custodire et
» observare decernimus.

In primis, quod Spiritus sanctus ex Patre et Filio eternaliter est et essentiam suam suumque esse subsistens habet ex Patre simul et Filio et ex utroque eternaliter tamquam ab uno principio et unica spiratione procedit¹.

Tenet insuper, profitetur et docet *unum eundemque Dei et hominis*
25 *Filium dominum nostrum Ibesum Christum esse perfectum in deitate et perfectum in humanitate, Deum verum et hominem verum ex anima rationali et corpore, consubstantialem Patri secundum deitatem et consubstantialem nobis secundum humanitatem, per omnia nobis similem absque peccato, ante secula quidem de Patre genitum, in novissimis autem diebus eundem propter nos et propter salutem*
30 *nostram ex Maria virgine Dei genitrice secundum humanitatem natum, unum eundemque Christum verum Dei Filium unigenitum, in duabus naturis inconfuse, immutabiliter, indivise, inseparabiliter agnoscendum, nusquam sublata differentia naturarum propter unionem, magisque salva proprietate utriusque nature, et in unam personam atque subsistentiam concurrente, non in duas personas partitum*
35 *sive divisum, sed unum et eundem Dei et hominis Filium dominum nostrum Ibesum Christum*².

Credit insuper, profitetur et docet in uno domino Ihesu Christo *duas naturales operationes indivise, inconvertibiliter, inseparabiliter, inconfuse, secundum sanctorum patrum doctrinam, duas etiam naturales voluntates, unam divinam,*
40 *alteram humanam, non contrarias, sed humanam eius voluntatem subtectam eius divine atque omnipotenti voluntati. Et quemadmodum eius caro animata sanctissima deificato est, non perempta, sed in proprio sui statu et ratione permansit, ita humana eius voluntas deificato est, non perempta, sed salvata magis atque perfecta*^{*}.

¹ Cf. bullam unionis Graecorum. * Conc. Chalco., Definitio fidei (v. supra p. 86,15-44).

* Conc. Constantin. III, Terminus (v. supra p. 128, 12-24. 35-41).

When the archbishop had understood the doctrine on these points, he affirmed that all his doubts had been completely answered. He professed that he thought he fully understood the truth of the faith as regards both the procession of the holy Spirit and the two natures, two wills and two principles of action in our lord Jesus Christ. Moreover he declared that he would accept, in the name of the aforesaid patriarch and of the whole nation and of himself, the whole faith and all the teaching which we, with the approval of this sacred council, would propose to him.

For this reason we were filled with exultation in Christ and poured out immense gratitude to our God, since we are seeing our desire for the salvation of that nation fulfilled.

After careful discussion with our brethren and the sacred council, we decided, with the approval of the same council, to propose and assign to the said archbishop, who will accept it in the name of the above persons, the faith and doctrine which the holy Roman mother church holds.

This, then, is the faith which the holy Roman mother church has always held, preached and taught and which she now holds, preaches, professes and teaches. This is the faith, as regards those three articles, which we decree that the said archbishop Abdala, on behalf and in the name of the said patriarch of the Syrians and of all that nation and of himself, shall accept and shall keep for ever.

First, that the holy Spirit is eternally from the Father and the Son, and has his essence and his subsistent being from the Father together with the Son, and proceeds from both eternally as from one principle and a single spiration¹²

Also it holds, professes and teaches that *one and the same Son of God and of man, our lord Jesus Christ, is perfect in divinity and perfect in humanity; true God and true man, of a rational soul and a body; consubstantial with the Father as regards his divinity, consubstantial with us as regards his humanity; like us in all respects except for sin; begotten before the ages from the Father, and in the last days the same born according to his humanity for us and our salvation from Mary the virgin mother of God; one and the same Christ true only-begotten Son of God, acknowledged in two natures which undergo no confusion, no change, no division, no separation; at no point was the difference between the natures taken away through the union, but rather the property of both natures is preserved and comes together into a single person and a single subsistent being; he is not parted or divided into two persons, but is one and the same Son of God and of man, our lord Jesus Christ?*

Also it believes, professes and teaches in the one lord Jesus Christ *two natural principles of action which undergo no division, no change, no separation, no confusion, in accordance with the teaching of the holy fathers; and two natural wills, one divine, the other human, not in opposition, but his human will subject to his divine and all powerful will. For in the same way that his most holy animate flesh was made divine, not destroyed, but remained in its own limit and category, so his human will was made divine, not destroyed, but rather was preserved and perfected?*

¹ Bull of union with the Greeks.

² Council of Chalcedon, Definition of the faith (see above, p. 86).

³ Council of Constantinople III, Exposition (see above, p. 128).

Hanc fidem cundem Abdalam archiepiscopum nominibus, quibus supra, suscipere, corde tenere et ore profiteri debere decernimus. Ordinamus insuper atque decernimus, ut eisdem nominibus recipere et amplecti debeat, quaecumque per sacrosanctam Romanam ecclesiam diffinita et sancita diversis temporibus sunt, presertim decreta Grecorum, Armenorum atque Iacobitarum in sacro ycumenico concilio Florentino edita, quae, cum in arabico traducta ipse Abdalam archiepiscopus accurate legisset ac laudasset, ad uberiores et pleniores omnium eruditionem sibi nominibus, quibus supra, recipienti consignari fecimus; quoscumque etiam doctores et sanctos patres sacrosancta approbat et suscipit Romana ecclesia, nominibus, quibus supra, approbare et suscipere debeat; et quascumque personas seu quicquid aliud ipsa damnat et reprobat, pro damnatis et reprobatis, nominibus, quibus supra, habere debeat. Promittens tanquam verus filius obedientie, nominibus, quibus supra, ipsius apostolice sedis ordinationibus et iussionibus, medio iuramento, devote is semper et fideliter obedire. Si quis autem ... Nulli ergo ...

SESSIO XIV

7 aug. 1445

[Bulla unionis Chaldeorum Maronitarumque Cypri]¹

Eugenius episcopus, servus servorum Dei, ad perpetuam rei memoriam *Benedictus sit Deus et Pater domini nostri Ihesu Christi, Pater misericordiarum et Deus totius consolationis*², qui vota et pia desideria nostra, quibus pro debito nostri pastoralis officii salutem christiani populi anhelamus et continuis, quantum ex alto nobis permittitur, operibus confovemus, multis magnisque favoribus in dies prosequitur et ultra quam mereamur, felicibus comitatur effectibus.

Sane post celebratam in ycumenico concilio Florentino orientalis ecclesie cum occidentali unionem, post Armenorum Iacobitarumque et Mésopotamie populorum reductionem venerabilem fratrem nostrum Andream archiepiscopum Colocensem³ ad partes orientis et Cypri insulam destinavimus, ut et Grecos et Armenos et Iacobitas ibidem degentes predicationibus suis et decretorum pro eorum unione et reductione editorum expositionibus et declarationibus in suscepta fide confirmaret, et quos ex aliis sectis a vera doctrina alienos, tam Nestorii quam Macharii sectatores inveniret, monitionibus et exhortationibus nostris ad fidei veritatem reducere conaretur.

Quod pro sua sapientia aliisque virtutibus, quibus eum largitor gratiarum Dominus insignivit, diligentissimè prosecutus, post diversas multi-

¹ Haec bulla data est *apud 5. Petrum* non autem *apud Lateranum* ut bullae praecedentes ad concilii translationem et unionem Syrorum» sed e contextu evincimus hanc quoque *sacro approbante concilio* statutam esse» cf. G. Hofmann, *Das Konzil von Florenz in Rom*, Orient. Christ. Per. 15 (1949) 78» et Gill 337.

² 2 Cor 1,3. ³ Andreas Chrysoberges o. p.

We decree that the said archbishop Abdala ought, in the name of the above persons, to accept this faith, to hold it in his heart and to profess it with his mouth. Further we ordain and decree that he ought to receive and embrace, in the name of the above persons, whatever has been defined and established at various times by the holy Roman church, especially the decrees on the Greeks, the Armenians and the Jacobites, which were issued in the sacred ecumenical council of Florence and which, since Archbishop Abdala has carefully read them translated into Arabic and praised them, we have given to him, in the name of the above persons, for a wider and more complete instruction on everything; that whatever doctors and holy fathers the holy Roman church approves and accepts, he should, in the name of the above persons, approve and accept; and that whatever persons and other things she condemns and rejects, he should, in the name of the above persons, hold as condemned and rejected; promising on oath as a true son of obedience, in the name of the above persons, always devoutly and faithfully to obey the regulations and orders of the said apostolic see. If anyone however ... Let nobody therefore ...

SESSION 14

7 August 1445

[Bull of union with the Chaldeans and the Maronites of Cyprus]¹

Eugenius, bishop, servant of the servants of God, for an everlasting record. *Blessed be the God and Father of our lord Jesus Christ, the Father of mercy and God of all consolation*², who daily promotes with many great favours, and accompanies with happy results far beyond our deserts, our aims and pious desires, whereby in fulfilment of our pastoral duties we long for and foster with many works, in so far as this allowed us from on high, the salvation of the Christian people.

Indeed, after the union of the eastern church with the western church in the ecumenical council of Florence, and after the return of the Armenians, the Jacobites and the people of Mesopotamia, we despatched our venerable brother Andrew, archbishop of Kalocsa³, to eastern lands and the island of Cyprus. He was to confirm in the faith which had been accepted the Greeks, Armenians and Jacobites living there, by his sermons and his expositions and explanations of the decrees issued for their union and return. He was also to try to bring back to the truth of the faith, using our warnings and exhortations, whoever else he might find there to be strangers to the truth of faith in other sects, whether they are followers of Nestorius or of Macarius.

He pursued this task with vigour, thanks to the wisdom and other virtues with which the Lord, the giver of graces, has enriched him. He finally eliminated from their hearts, after many discussions, first all the impurity of Nestorius,

¹ This bull was dated “at St Peter’s”, not “at the Lateran” as were the preceding bulls of translation of the council and of union with the Syrians. But from the context we conclude that this bull too was issued “with the approval of the sacred council”. See G. Hofmann, *Das Konzil von Florenz in Rom*, Orient. Christ. Per. 15 (1949) 78, and Gill 337.

² 2 Cor 1, 3. ³ Andrew Chrysoberges, O.P.

plicesque disputationes, post varios tractatus, eliminata tandem ex eorum cordibus primum omni Nestorii impuritate, qui purum hominem Christum esse et beatissimam Virginem non Dei, sed Christi genitricem asseverabat, deinde Macharii Antiocheni impiissimi qui, quanquam Christum s verum Deum et hominem esse profitebatur, divinam tamen solum in eo, voluntatem et operationem, humanitati eius parum tribuens, esse assebat;

venerabiles fratres nostros, Timotheum metropolitam Caldeorum, quos ad hec usque tempora nestorianos, eo quod Nestorium sequebantur, ia in Cypro vocaverunt, et Heliam episcopum Maronitarum, qui cum sua natione Macharii dogmatibus in eodem regno infectus tenebatur, cum omni multitudine populorum et clericorum in insula Cypri eisubiecta ad veritatem fidei orthodoxe divino sibi assistente numine convertit, fidemque et doctrinam, quam semper sacrosancta coluit et observavit ecclesia, is eisdem presulibus et omnibus ibidem eis subiectis tradidit; quamque prefati presules in publica et magna congregatione diversarum nationum in eodem regno existentium, in metropolitana ecclesia s. Sophie habita summa cum veneratione susceperunt.

Quo facto Caldei quidem prefatum Timotheum suum metropolitam, μ Helias vero Maronitarum episcopus nuntium, de fide Romane ecclesie, que *Domino providente et beato Petro apostolo opem ferente semper immaculata permansit*¹, solemnem professionem emissuros ad nos usque miserunt et coram nobis in hac sacra ycumenici Lateranensis concilii generali congregatione fidem ipsam atque doctrinam Timotheus ipse metropolita 25 primum in lingua sua Caldea Grece interpretatam et de Greco in Latinum traductam, reverenter et devote, ut sequitur, professus est:

Ego Timotheus archiepiscopus Tarsensis Caldeorum, qui in Cypro sunt, metropolita, pro me meisque omnibus in Cypro existentibus populis profiteor, voveo atque promitto immortalī Deo Patri et Filio et Spiritui μ sancto, demum tibi, sanctissime et beatissime pater, Eugenio pape IV et huic sacrosancte apostolice sedi et sancte huic et venerabili congregationi, quod de cetero semper manebo sub obedientia tua et successorum tuorum ac sacrosancte Romane ecclesie tanquam sub unica matre et capite omnium aliarum.

as Item, quod de cetero semper tenebo et profitebor Spiritum sanctum procedere ex Patre et Filio, sicut docet et tenet sancta Romana ecclesia.

Item, quod de cetero semper tenebo et approbabo duas naturas, duas voluntates, unam ypostasim, et duas operationes in Christo.

Item, quod de cetero semper confitebor et approbabo omnia septem «0 sacramenta ecclesie Romane, prout ipsa tenet, docet et prędicat.

Item, quod de cetero nunquam in sacra eucaristia oleum apponam.

Item, quod de cetero semper tenebo, confitebor, predicabo et docebo, quidquid tenet, confitetur, docet et prędicat sacrosancta Romana ecclesia, et quidquid ipsa reprobat, anathematizat et damnat, reprobo, anathe- 45 matizo et damno, et in futurum semper reprobabo, anathematizabo et

¹ Pseudo-Marcus (Hinschius 453).

who asserted that Christ is only a man and that the blessed Virgin is the mother of Christ but not of God, then that of the most impious Macarius of Antioch who, although he confessed that Christ is true God and man, asserted that there is in him only the divine will and principle of action, thereby diminishing his humanity.

*

With divine assistance he converted to the truth of the orthodox faith our venerable brothers Timothy, metropolitan of the Chaldeans, who have been called Nestorians in Cyprus until now because they used to follow Nestorius, and Elias, bishop of the Maronites, who with his nation in the same realm was infected with the teachings of Macarius, together with a whole multitude of peoples and clerics subject to him in the island of Cyprus. To these prelates and all their subjects there, he delivered the faith and doctrine that the holy church has always cherished and observed. The said prelates, moreover, accepted this faith and doctrine with much veneration in a great public assembly of different peoples living in that realm, which was held in the metropolitan church of St Sophia.

After that, the Chaldeans sent to us the aforesaid metropolitan Timothy, and Bishop Elias of the Maronites sent an envoy, to make to us a solemn profession of the faith of the Roman church, which *by the providence of the Lord and the aid of blessed Peter and the apostle has always remained immaculate*¹. Timothy, the metropolitan, reverently and devoutly professed this faith and doctrine to us, in this sacred general congregation of the ecumenical Lateran council, first in his own Chaldean tongue, which was interpreted in Greek and then translated from Greek into Latin, as follows:

I, Timothy, archbishop of Tarsus and metropolitan of the Chaldeans who are in Cyprus, on behalf of myself and all my peoples in Cyprus, profess, vow and promise to almighty God, Father and Son and holy Spirit, and then to you, most holy and blessed father pope Eugenius IV, to this holy apostolic see and to this holy and venerable congregation, that henceforth I will always remain under the obedience of you and your successors and of the holy Roman church as under the unique mother and head of all other churches.

Also, in future I will always hold and profess that the holy Spirit proceeds from the Father and the Son, as the holy Roman church teaches and holds.

Also, in future I will always hold and approve two natures, two wills, one hypostasis and two principles of action in Christ.

Also, in future I will always confess and approve all seven sacraments of the Roman church, just as she holds, teaches and preaches.

Also, in future I will never add oil in the sacred eucharist.

Also, in future I will always hold, confess, preach and teach whatever the holy Roman church holds, confesses, teaches and preaches and I reject, anathematize and condemn whatever she rejects, anathematizes and condemns; in future I will always reject, anathematize and condemn especially the impieties and blasphe-

¹ Pseudo-Mark (Hinschius 453).

damnabo, specialiter impietates et blasphemias nequissimi heresiarche Nestorii et omnem aliam heresim extollentem se adversus hanc sanctam catholicam et apostolicam ecclesiam.

Hec est fides, pater sancte, quam tenere et observare ac teneri et observari facere ab omnibus suppositis meis voveo atque promitto, et unum- s
quenque illam respicientem et contra eam sese erigentem privare omnibus bonis et beneficiis suis eundemque excommunicare et hereticum et damnatum denuntiare et, si pertinax fuerit, degradatum curie tradere seculari spondeo polliceor atque promitto.

Deinde similem per omnia professionem dilectus in Christo filius Ysach io
nuntius venerabilis fratris nostri Helie episcopi Maronitarum ipsius vice et nomine, reprobando Macharii de unica voluntate in Christo heresim, cum multa veneratione emisit.

Pro quarum quidem professionum religione et tantarum animarum salute Deo et domino nostro Ihesu Christo, qui temporibus nostris tanta is
fidei incrementa largitur, tot christianis populis beneficia donat, gratias immensas agentes, easdem professiones recipimus et approbamus, ac eosdem métropolitain et episcopum in Cypro et subiectos ad gremium sancte matris ecclesie suscipimus, ac ipsis manentibus in prefata fide, obedientia et devotione, hiis gratiis et privilegiis insignimus, imprimis, 20

quod nemo predictos Caldeorum metropolitam et Maronitarum episcopum, eorundem clericos et populos neque ex populo et clero quempiam de cetero audeat hereticos appellare, aut Caldeos de cetero nestorianos nominare présumât. Quod si quispiam mandati huiusmodi contemptor extiterit, iubemus ab eius ordinario excommunicari tamdiu, quamdiu 25
distulerit condigne satisfacere aut ordinarii arbitrio aliqua alia temporali pena mulctari.

Item, quod prefati metropolita et episcopus eorumque successores in omnibus et quibuscumque honoribus, episcopis a communione sacro-sancte Romane ecclesie separatis continuo preferantur. 30

Item, quod possint de cetero censuras in suos subditos exercere, et quos de cetero rite excommunicaverint, pro exeo •till unicatis, et quos absol-
verint, pro absolutis ab omnibus habeantur.

Item, quod prefati presules et sacerdotes et clerici eorum libere possint in ecclesiis catholicorum divina celebrare, et catholici in ecclesiis eorumdem.

Item, quod de cetero prefati presules et clerici et laici eorum utriusque sexus, qui unionem et fidem hanc susceperint, possint in ecclesiis catholicorum sepulturas eligere, et cum catholicis matrimonia, more tamen Latinorum catholicorum, contrahere, ac omnibus beneficiis immunita- «
tibus et libertatibus gaudere et frui, quibus ceteri homines catholici tam laici quam clerici in dicto regno potiuntur et gaudent. Nulli ergo . . .
Si quis autem . . .l

l Quo tempore exacte concilium sit conclusum ignoramus, sed verisimile est concilii labores in eodem anno 1445 finem habuisse, cf. G. Hofmann, *Das Konzil von Floren^a in Rom*, Orient Christ. Per. 15 (1949) 83-84.

mies oi the most wicked hercsiarch Nestorius and every other heresy raising its head against this holy catholic and apostolic church.

This is the faith, holy father, that I vow and promise to hold and observe and to see that it is held and observed by all my subjects. I engage myself and solemnly promise to deprive of all his goods and benefices, to excommunicate and to denounce as heretical and condemned, whoever rejects it and raises himself up against it and, if he is obstinate, to degrade him and to hand him over to the secular arm.

Then our beloved son in Christ Isaac, envoy of our venerable brother Elias, bishop of the Maronites, on his behalf and in his name, rejecting the heresy of Macarius about one will in Christ, made with great veneration a profession that was similar in all details.

For the devotion of these professions and for the salvation of so many souls we offer immense thanks to God and our lord Jesus Christ, who is in our times so greatly enlarging the faith and bestowing benefits on so many Christian peoples. We receive and approve these professions; we receive into the bosom of holy mother church the metropolitan and the bishop in Cyprus and their subjects; and while they remain in the aforesaid faith, obedience and devotion, we honour them with the following favours and privileges.

First, nobody shall in future dare to call the said metropolitan of the Chaldeans and the said bishop of the Maronites, or their clerics and peoples or any individual among them, heretics, or to call Chaldeans, Nestorians. If anyone despises this ordinance, we order him to be excommunicated until such time as he offers a worthy satisfaction or has been punished, in the judgment of the ordinary, by some other temporal penalty.

Also, the said metropolitan and bishop and their successors are forthwith to be preferred in each and every honour to bishops who are separated from the communion of the holy Roman church.

Also, in future they can lay censures on their subjects, and those whom they rightly excommunicate in future shall be held by all as excommunicated, and those whom they absolve shall be held by all as absolved.

Also, the said prelates and priests and their clerics can freely celebrate divine services in the churches of Catholics, and Catholics can freely celebrate them in their churches.

Also, in future the said prelates and clerics and their lay men and women, who have accepted this union and faith, can choose to be buried in the churches of Catholics, to contract marriages with Catholics, but in the rite of Latin Catholics, and to enjoy and utilize all benefits, immunities and liberties which other Catholics, both lay and clerical, possess and enjoy in the said realm. Let nobody therefore ... If anyone however ...'

¹ We do not know exactly when the council ended, but it is probable that the work of the council ceased in the same year 1445, see G. Hofmann, *Das Konzil von Florenz in Rom*, Orient. Christ. Per. 15 (1949) 83-84.

INTRODUCTION

This council was summoned by pope Julius II by the bull *Sacrosanctae Romanae Ecclesiae*, issued at Rome on 18 July 1511, after several schismatic cardinals, officially supported by Louis XII, king of France, had assembled a quasi-council at Pisa. Twice postponed, the council held its first session in full solemnity at Rome in the Lateran residence on 10 May 1512, at which session an elaborate address on the evils of the church was made by Giles of Viterbo, general of the order of Augustinian hermits.

There were twelve sessions. The first five of them, held during Julius II's pontificate, dealt primarily with the condemnation and rejection of the quasi-council of Pisa, and with the revoking and annulment of the French "Pragmatic Sanction". After the election of pope Leo X in March 1513, the council had three objectives: first, achieving a general peace between Christian rulers; second, church reform; and third, the defence of the faith and the rooting out of heresy. The seven sessions after Leo's election gave approval to a number of constitutions, among which are to be noted the condemnation of the teaching of the philosopher Pomponazzi (session 8)¹, and the approval of the agreement completed outside the council between pope Leo X and king Francis I of France (session 11).

All the decrees of this council, at which the pope presided in person, are in the form of bulls. At the beginning of them are added the words "with the approval of the sacred council", and at the end "in public session solemnly held in the Lateran basilica". The fathers confirmed all the decrees by their votes. If anyone wished to reject a proposal, he made his dissenting opinion known verbally, or briefly in writing. The result was that the matters proposed, after various debates, were sometimes altered.

The decisions on the reform of the curia produced almost no effect because of the timidity and inadequacy of the recommendations, especially since the papacy showed slight inclination to carry the matter through. On the other hand, the council totally suppressed the Pisan schism. It is clear that bishops were never present in great numbers at the council, and that prelates who lived outside Italy were notably absent, to such an extent that there has been frequent dispute about whether the council was ecumenical.

¹ See A. Deneffe, *Die Absicht des V. Laterankonzils*, Scholastik 8 (1933) 359-379; E. Gilson, *Autour de Pomponazzi. Problématique de l'immortalité de l'âme en Italie au début du XVI^e siècle*, Archives d'histoire doctrinale et littéraire du Moyen Age 36 (1961) 163-276.

The decrees and other acts of the council were first published in Rome shortly after the council ended, namely on 31 July 1521 by cardinal Antonio del Monte, acting on the orders of pope Leo X. The title of this edition is: £4. *Lateranense concilium novissimum sub Iulio II et Leone X celebratum* (= Lc). It was subsequently used in various conciliar collections from Cr 3 (1551) 3-192 to Msi 32 (1502) 649-1002. We have followed this edition of 1521 and have taken the headings of the constitutions from the summary' which precedes it.

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TEXT AND TRANSLATION

SESSIO I

10 mail 1512

[Lectae sunt indictionis bulla *Sacrasavtae Romanae ecclesiae* et bullae prorogationis *Inscrutabilis* et *Romanus pontifex*¹. Mandantur missae celebrari, orationes fieri pro divino suffragio imploranda; ordinet in concilio terpandi et decreta statuuntur; advocati, procuratores, notarii, custodes, votorsm scrutatores eliguntur; locorum assignatores et toca quaeque in ordine mo assignanda constituuntur.]

SESSIO II

17 maii 1512

[Pisanum conciliabulum damnatur, omniaque in illo confecta »
annuliantur et irritantur; Lateranense quoque concilium et
quaecumque in eo bene gesta esse confirmantur]

Iulius episcopus servus servorum Dei, ad perpetuam rei memoriam, sacro approbante concilio. Cum inchoatam huius sacri Lateranensis concilii celebrationem, ad Dei laudem, universalis ecclesiae pacem, fidelium io
unionem, schismatis et haeresum eversionem, morum reformationem, ac contra perfidos fidei hostes expeditionem, Altissimi dextera assistente, prosequi intendamus, ut omnium schismaticorum et pacis hostium, latrantium canum ora obtundantur, universique Christi fideles valeant a
tam pestifero et venenoso contagio se immaculatos servare, in hac prae- 15
senti secunda sessione in Spiritu sancto legitime congregata, indictionis, convocationis et publicationis schismaticae conventiculae, et asserti conciliabuli Pisani, ad scindendum et scandalizandum ecclesiae praefatae unionem, emanatarum citationum, monitionum, decretorum, absolutio-
num, sententiarum, actorum, legatorum, creationum, obedientiarum, 20
subtractionum, assertarum censurarum, appositionum, ipsiusque conciliabuli translationis ad Mediolanum vel Vercellensem civitates, aut alia loca quaecumque, omniumque et singulorum in dicto conciliabulo gestorum et conclusorum reprobationes, damnationes, revocationes, cassationes, irritationes et annulationes, per nos habita cum venerabilibus 25
fratribus nostris sanctae Romanae ecclesiae cardinalibus deliberatione matura, et de eorumdem fratrum consilio et unanimi consensu, ac ex certa scientia, et de apostolicae potestatis plenitudine, per diversas nostras literas respective, praesertim sub data quintodecimo kalendas augusti, pontificatus nostri anno octavo, ac tertio nonas decembris, et idibus 30
aprilis, eiusdem pontificatus anno nono editas, factas et emanatas, literasque ipsas cum decretis, declarationibus, inhibitionibus, mandatis, hortationibus, monitionibus, interdictorum ecclesiasticorum appositionibus, et aliis sententiis, censuris et poenis, tam a canonicis sanctionibus, quam a nobis, maxime in literis indictionis huius sacri universalis concilii, ac 35
omnibus et singulis aliis clausulis in dictis literis contentis, quarum tenores, ac si de verbo ad verbum praesentibus insererentur, pro expressis

¹ Msi 32, 681-690.

SESSION 1

10 May 1512

[The bull convoking the council, *Sacrosancta Romanae ecclesiae*, and the bulls postponing it, *Inscrutabilis* and *Romanus pontifex*, are read out¹. Masses are ordered to be celebrated, and prayers to be offered, to beg God's assistance; various arrangements are to be observed in the council and decrees are set out; advocates, procurators, notaries, guards and vote-scrutineers are chosen; assignees of places, and the location of places in their due order, are established.]

SESSION 2

17 May 1512

[The quasi-council of Pisa is condemned, and everything done at it is declared null and void. The Lateran council and whatever has been rightly done at it are confirmed]

Julius, bishop, servant of the servants of God, with the approval of the sacred council, for an everlasting record. We intend, with the help of the most High, to proceed with the holding of this sacred Lateran council which has now begun for the praise of God, the peace of the whole church, the union of the faithful, the overthrow of heresies and schisms, the reform of morals, and the campaign against the dangerous enemies of the faith, so that the mouths of all schismatics and enemies of peace, those howling dogs, may be silenced and Christians may be able to keep themselves unstained from such pernicious and poisonous contagion.

Accordingly, in this second session lawfully assembled in the holy Spirit, after mature deliberation held by us with our venerable brothers, the cardinals of the holy Roman church, by the advice and unanimous consent of the same brothers, from sure knowledge and by the fullness of apostolic power, we confirm, approve and renew, with the approval of the sacred council, the rejections, condemnations, revocations, quashings, invalidations and annulments of the summoning, convoking and public utterances of that schismatical assembly, the vaunted quasi-council of Pisa, with its aim of rending and hampering the union of the aforesaid church, and of the citations, warnings, decrees, pardons, sentences, acts, legacies, creations, obediences, withdrawals, enjoined censures and applications issuing from it, and of the transfer of the said quasi-council to the cities of Milan or Vercellae or any other place, and of each and all of the acts and decisions of the said quasi-council, that have been expressed in our various letters completed and issued in due order, especially those issued under the dates of 18 July in the eighth year of our pontificate, and of 3 December and 13 April in the ninth year of our pontificate. Likewise we confirm, approve and renew, with the approval of the sacred council, the letters themselves along with their decrees, declarations, prohibitions, commands, exhortations, warnings, applications of ecclesiastical interdicts, and other sentences, censures and penalties, whether by canonical sanctions or by our own act, especially those in the letter summoning this sacred universal council, and each and all of the other clauses contained in the said letters, the meanings of which we wish to be

¹ Msi 32, 681-690.

haberi volumus, licet, ut firma et valida, nulla alia confirmatione aut approbatione egerent, ad abundantio-
 5 namus, supplentes omnes et singulos defectus si qui forsan intervenerint in eisdem. Nec non conciliabulum praefatum illiusque translationem, ac omnia et singula per ipsum conciliabulum, ilique assistentes, adhaerentes, fautores et consentientes, directe vel indirecte, quomodocumque et qualitercumque a die indictionis ipsius conciliabuli, usque in praesentem
 10 diem acta, facta, gesta et prolata, ac in posterum gerenda, agenda, facienda et proferenda, etiamsi talia sint vel fuerint, de quibus specialis, specifica, expressa, ac individua mentio habenda foret, illorum tenores et qualitates etiam pro expressis habentes, ut alia adulterina et a veritate deviantia concilia, et in eis gesta, a iure sacrisque canonibus damnata et reprobata
 is fuerunt, damnamus et reprobamus, ac prout sunt, nulla, irrita et inania, nulliusque roboris vel momenti fuisse et esse nuntiamus, et quatenus opus sit, cassamus, irritamus et annullamus, ac pro cassis, irritis et annullatis haberi volumus. Et nihilo minus hoc sacrum concilium oecumenicum iuste, rationabiliter, ac ex veris et legitimis causis, riteque et recte indic-
 20 tum celebrari inceptum, omniaque et singula quae in eo facta et gesta sunt et de cetero fient ac gerentur, iusta, rationabilia, firma et valida fore, ac idem robur, eandemque vim, potestatem, auctoritatem et firmitatem habere et obtinere, quae alia concilia generalia, praesertim Lateranensi, a sacris canonibus approbata habent et obtinent, hoc eodem sacro con-
 25 cilio approbante, decernimus et declaramus. Insuperque temporum dispositione, aestivisque caloribus instantibus, ut commoditati et valetudini praelatorum consulatur, ultramontanique et trans mare existentes, qui hactenus ad hoc sacrum concilium venire non potuerunt, expectentur, propterque alias iustas et rationabiles causas praefato sacro concilio notas,
 jo et ab eo approbatas, tertiam sessionem continuationis celebrationis concilii praefati, tertio nonas novembris proxime futuri faciendam, hoc praefato sacro concilio similiter approbante, indicimus. Omnibusque et singulis praelatis, et aliis in eodem concilio tunc existentibus a Romana curia recedendi, et pro eorum voluntate ubi eis placuerit morandi, dum-
 35 modo dicta tertio nonas novembris in praefato concilio Lateranensi, cessante legitimo impedimento, de quo clare constet, sub poenarum in literis indictionis ipsius concilii et canonicis sanctionibus contra non accedentes ad concilia indictarum incursu, praesentes existant; licentiam® et facultatem, praefato sacro concilio etiam approbante, concedimus et
 40 indulgimus. Nulli ergo ... Si quis autem ... 2

« om. Msi

1 Probabiliter conc. Lat. IV.

* In hac sessione *propter adsentum m. episcopi Gurcensis, lotum tenentis serenissimi imperatoris, facta est prorogatio tertiae sessionis usque ad tertiam mensis novembris diem.*

considered as expressed as if they were inserted herein word for word, even though, as being definite and valid, they require no other confirmation or approval for a more extensive guarantee and demonstration of the truth. We wish, decree and ordain that they be observed without alteration, and we make good each and all of the defects in them, should there be any.

We condemn and reject the aforesaid quasi-council and its transfer, and each and every thing done by it, and also those taking part in it or giving support, approval or consent, directly or indirectly, to whatever extent and in whatever manner, from the day of the summoning of the quasi-council until the present day, whether the things have already been done or are to be done in the future, even if they are or have been such that special, specific, definite and separate mention should be made about them, since we consider their meaning and characteristics as clearly expressed. We condemn and reject it like other counterfeit councils which diverge from the truth and whose acts have been condemned and rejected by the law and sacred canons. We proclaim these things to be null, void and empty, as indeed they are, to be or to have been of no force or importance; and, so far as is necessary, we declare them void, invalid and null, and we wish them to be considered as void, invalid and null.

We decree and declare, with the approval of this same sacred council, that this sacred ecumenical council, justly, reasonably, and for true and lawful purposes duly and rightly summoned, has begun to be celebrated, and that each and every thing which has been and shall be done and executed in it, will be just, reasonable, settled and valid, and that it possesses and holds the same strength, power, authority and stability which other general councils approved by the sacred canons, especially the Lateran council¹ possess and hold.

Moreover, in the arrangement of the seasons, as the summer heats approach, in order to take account of the convenience and health of the prelates, and so that those may be awaited who live beyond the mountains and across the sea and who have hitherto been unable to come to this sacred council, and for other just and reasonable causes known to and approved by the said sacred council, we are summoning the third session of this same council to take place on 3 November next, with the said council likewise giving approval. And to each and every prelate and to others present at the same council, we grant and concede the freedom and permission to withdraw from the Roman curia and to stay wherever they wish, so long as they are present at the aforesaid Lateran council on the said 3 November, any clearly legitimate hindrance having been removed, subject to the infliction of the penalties indicated in the letter summoning the council and in canonical punishments against those failing to attend to councils, the said sacred council also approving. Let nobody therefore ... If anyone however.. ?

¹ Probably Lateran council IV.

² At this session, on account of the arrival of the bishop of Gnark, representative of the most serene emperor, a postponement of the third session was made until 3 November.

SESSIO III

3 dec. 1512

Reprobantur omnia et singula per cardinales schismaticos actitata

lulus episcopus servus servorum Dei, ad perpetuam rei memoriam, sacro approbante concilio. Ad illius, cuius *perfecta sunt operax*, laudem et gloriam, sacrum Lateranense concilium prosequentes, in hac tertia sessione Spiritu sancto favente legitime congregata, quam alias tertio nonas novembres pro- 5 xime praeteriti faciendam in secunda sessione indixeramus, et deinde de venerabilium fratrum nostrorum sanctae Romanae ecclesiae cardinalium consilio unanimique assensu, in hodiernum diem tenendam, ex certis tunc expressis et aliis legitimis causis prorogavimus, et indiximus, eodem sacro concilio prorogationem et indictionem huiusmodi ex causis prae- 10 fatis sibi notis approbante, post felicem faustamque carissimi in Christo filii nostri Maximiliani Romanorum imperatoris electi semper augusti huic sacrosancto Lateranensi concilio veram adhaesionem et sinceram unionem, omnia et singula per damnationis alumnos Bernardinum Car- vaial, Guillelmum Brizonet, Renatum de Pria, et Fridericum de sancto 15 Severino, olim cardinales, eorumque fautores, adhaerentes, complices et sequaces, schismaticos, haereticos, et in suam ac aliorum perniciem debacchantes, unitatem sanctae matris ecclesiae scindere satagentes in conciliabulo Pisano, Mediolani, Lugduni, vel alibi, quaecumque, quotcum- que et qualiacumque fuerint, etiam decimarum impositiones in universo 20 regno Franciae per eos factas, quorum tenores et qualitates, ac si praesentibus de verbo ad verbum, non autem per clausulas generales insererentur, pro expressis haberi volumus, usque in praesentem diem acta, gesta et facta, conscripta et publicata seu ordinata, et in futurum forsitan gerenda, quamvis sint nulla, irrita et inania, et a nobis, praefato concilio sacro 25 approbante, damnata et reprobata fuerint, potiori pro cautela damnationi et reprobationi huiusmodi inhaerendo, eodem sacro concilio approbante, damnamus, reprobamus et detestamur; iliaque nulla, irrita et inania, nulliusque roboris, efficaciae, effectus vel momenti fuisse et esse decernimus et declaramus. Nec non literas nostras, per quas, propter receptiones, 30 favores, adhaerentiam et auxilium, per regem Franciae et nonnullos alios regni Franciae praelatos, officiales, nobiles et barones schismaticis et haereticis in dicti conciliabuli Pisani damnati et reprobati prosecutione notorie praestita, regnum Franciae, et praesertim Lugdunum, ducatu Britanniae excepto, sub data videlicet Romae apud sanctum Petrum, anno 35 incarnationis dominicae millesimo quingentesimo duodecimo, idus augusti, pontificatus nostri anno nono, de fratrum praedictorum consilio ecclesiastico subierimus interdicto, nundinasque Lugduni fieri solitas, in Lugduno extunc de cetero fieri inhibuimus, dictasque nundinas in civitate Gebennensi faciendas transtulimus, cum decretis, declarationibus, 40 inhibitionibus, omnibusque et singulis in eis contentis clausulis, similiter

1 Dt 32, 4.

SESSION 3

3 December 1512

[Each and all of the measures sponsored by the schismatic cardinals are rejected]

Julius, bishop, servant of the servants of God, with the approval of the sacred council, for an everlasting record. To the praise and glory of him *whose works are perfect*¹, we are continuing the sacred council of the Lateran, lawfully assembled by favour of the holy Spirit, in this third session. We had summoned this session on another occasion, during the second session, for the third day of the following November. Later, by the advice and unanimous agreement of our venerable brothers, cardinals of the holy Roman church, for reasons then stated and for other lawful causes, we postponed it and summoned it to be held today, with the same sacred council giving approval to both the postponement and the summons for the said reasons which were known to it. This was after the happy and favourable adherence to, and union with, this most holy Lateran council on the part of our most dear son in Christ, Maximilian, ever revered emperor-elect of the Romans.

We condemn, reject and detest, with the approval of this same sacred council, each and every thing done by those sons of damnation, Bernard Carvajal, Guillaume Briçonnet, René de Prie, and Frederick of San Severino, formerly cardinals, and their supporters, adherents, accomplices and disciples — who are schismatics and heretics and have worked madly to their own and others' ruin, aiming to split asunder the unity of holy mother church at the quasi-council held at Pisa, Milan, Lyons and elsewhere — whatever the things were in number and kind that have been enacted, carried out, done, written, published or ordained up to the present day, including the imposition of taxes carried out by them throughout the kingdom of France, or shall be done in the future. Even though they are indeed null, useless and void and have already been condemned and rejected by us with the approval of the aforesaid sacred council, we nevertheless retain this present condemnation and rejection for the sake of greater precaution. We wish the meaning and characteristics of the things done, or to be done, to be considered as expressed herein word for word and not just by general clauses. We decree and declare them to be and to have been null, without purpose and void, of no force, efficacy, effect or importance.

We renew our letter dated 13 August 1512, at St Peter's, Rome, in the ninth year of our pontificate, by which, on the advice of the Dominicans, on account of the support, favours, sustenance and help notoriously provided to schismatics and heretics in the promotion of the said condemned and rejected quasi-council of Pisa, by the king of France and not a few other prelates, officials, nobles and barons of the kingdom of France, we placed under ecclesiastical interdict the kingdom of France and particularly Lyons, excepting the duchy of Brittany, and we forbade the customary fairs of Lyons to be held in that city and we transferred them to the city of Geneva. We also renew the decrees, declarations, prohibitions and every clause contained in the letter, the said sacred

¹ Dt 32, 4.

sacro concilio praedicto de illis plenariam notitiam habente ac appro-
bante, innovamus: regnumque praefatum, ut praefertur, illiusque civi-
tates, terras, oppida et loca quaecumque huiusmodi interdicto subiicimus,
ac ipsas nundinas ex Lugduno in civitatem praefatam Gebennensem
5 faciendas transferimus. Et ut sacrum hoc Lateranense concilium ad finem
uberrimae fertilitatis deducatur, aliaque plura et gravia in hoc sacro
Lateranensi concilio tractanda et discutienda veniant ad Dei omnipoten-
tis laudem, et ecclesiae universalis exaltationem, quartam sessionem con-
tinuationis celebrationis ipsius quarto idus praesentis mensis decembris
10 faciendam, sacro concilio praefato omnia approbante, indicimus. Nulli
ergo ... Si quis autem ...

SESSIO IV

10 dec. 1512

[Pragmatica rev^ore tur et gesta per conciliabulum
Pisanum super eadem annullantur¹]

Iulius episcopus servus servorum Dei, ad perpetuam rei memoriam,
15 sacro appro te concilio. Saluti gregis nobis desuper commissi, morum
reformationi defensionique ecclesiasticae libertatis, ac fidei catholicae
tranquillitati et augmento, paternis et sollicitis studiis intendentes, ad
omnipotentis Dei et individuae Trinitatis laudem et gloriam, sacro hoc
approbante concilio, literas nostras a nobis dudum emanatas, eidem con-
10 cilio notas, per quas Romanae curiae officiales et illorum exactiones gene-
raliter reformavimus, approbamus et innovamus, illasque, quas per non-
nullos postea tunc expressos ad fidelium utilitatem iuxta intentionem
nostram declarari mandavimus, per praefatos expressos, et cum illis alios
diversarum nationum praelatos, nunc in praefato concilio praesentes
deputandos, omnibus quae iudicium humanum pervertere possent, ces-
santibus ut iustum et aequum fuerit, particulariter declarari, et declara-
tiones ipsas, in aliis sessionibus nobis in hoc sacro concilio referendas, et
ab eodem concilio approbandas, ut debite exequantur, praecipimus et man-
damus. Insuper cum iam per multa temporum spatia per nonnullos prae-
latos Gallicae nationis, et nobiles laicos ac alios illis faventes, praesertim
cuiusdam sanctionis praetextu, quam ipsi pragmaticam² vocant, apostolicae
sedi, sanctaeque Romanae universalis ecclesiae capiti, libertati et auctori-
tati enormiter detractum, sacrisque canonibus derogatum fuerit, nos rem
adeo perniciosam in Dei offensam, et ecclesiae praefatae vilipendium et
evidens detrimentum, amplius ferre nequeunt, cum sanctio ipsa ab
omni ad id legitima potestate carentibus nullorumque summorum ponti-
ficum, aut generalium legitimorum conciliorum auctoritate facta, sed

¹ Ante hanc constitutionem, in hac sessione lectum est etiam: *Monitorium contrapragmaticam et eius assertores*.

* Haec *Pragmatica sanctio* promulgata erat Biturici a Carolo VII Francorum rege die 7 iulii 1438 ecclesiasticos abusus removendi causa, cf. DThC 12/2 (1935) 2780-2786 et DDrC 7 (1958) 109-113.

council likewise having full information about them and giving its approval. As stated, we subject the aforesaid kingdom and its cities, lands, towns and any other territories to this interdict, and we transfer the fairs from Lyons to the said city of Geneva.

In order that this sacred Lateran council may be brought to a fruitful and beneficial conclusion, and that the many other serious matters due for treatment and discussion in the council may proceed to the praise of almighty God and the exaltation of the universal church, we declare, with the full approval of the said sacred council, that the fourth session of the continuing celebration of the council shall be held on the tenth day of the present month of December. Let nobody therefore ... If anyone however...

SESSION 4

10 December 1512

{The Pragmatic is revoked and the acts of the quasi-council of Pisa regarding the same are annulled¹}

Julius, bishop, servant of the servants of God, with the approval of the sacred council, for an everlasting record. Giving close attention by paternal and earnest consideration to the safety of the flock entrusted to us from above, to the reform of morals and the defence of the church's liberty, and to the peace and development of the catholic faith, we approve and renew, with the approval of this holy council, for the praise and glory of almighty God and the undivided Trinity, the letter recently issued by us, of which the same council is aware, by which we made a general reform of the Roman curia's officials and of their imposts. We ordered the letter to be made public by certain persons, who were afterwards designated, for the benefit of the faithful, and in accordance with our wishes. We now order it to be made public in detail by the said designated persons together with other prelates from various nations who are present in the aforesaid council and are to be appointed. Everything that can pervert human judgment is to cease, as is right and fitting. We order, moreover, that the declarations are to be referred to us in other sessions of this sacred council and are to be approved by the same council, in order that they may be duly carried out.

Moreover, for considerable periods of time there has been great disparagement of the apostolic see and of the head, the liberty and the authority of the holy Roman universal church, as well as a limitation of the sacred canons, by a number of prelates of the French nation and by noble laymen and others supporting them, especially under pretext of a certain sanction which they call the Pragmatic². We do not wish to endure further a thing so pernicious and offensive to God, a clear cheapening of and damage to the said church. For it is only in those regions that the sanction, carried out by those lacking all lawful power for that end and without the authority of popes or legitimate general

¹ Before this constitution, in the same session, there was also read out: *A warning against the Pragmatic and its supporters*.

² This *Pragmatic Sanction* had been promulgated by king Charles VII of France at Bourges on 7 July 1438, with the aim of removing abuses in the church, see DThC 12/2 (1935) 2780-2786, DDrC 7 (1958) 109-113, and NCE 11 (1967) 662-663.

quodam abusu tantum in illis partibus introducta et observata fuerit, iliaque cum in ea contentis nulla et invalida merito declarari et abrogari debeat; quam etiam clarae memoriae Ludovicus XI Francorum rex abrogavit, ut in eius patentibus literis desuper confectis plenius continetur. Declarationis igitur et abrogationis per nos faciendarum huiusmodi negotium & et discussionem venerabilium fratrum nostrorum ecclesiae praefatae cardinalium et aliorum praelatorum congregationibus, quas in Lateranensi sala superiori, quatenus opus fuerit, facient relationemque discussorum in prima, aut aliis sessionibus, prout commode heri poterit, nobis et sacro concilio faciendam eodem sacro concilio* approbante, committimus. 10 Gallicosque praelatos, capitula ecclesiarum et monasteriorum parlamenta, et laicos illis faventes, cuiuscumque dignitatis, etiam si regalis existèrent, sanctione praefata abutentes, seu illam approbantes, omnesque et singulos alios sua communiter vel divisim interesse putantes, per edictum publicum, cum ad partes illas tutus non pateat accessus, in Medio- 15 lanensis, Astensis et Papiensis ecclesiarum valvis affigendum, moneri et citari infra certum competentem terminum praefigendum, ad comparandum coram nobis et concilio praefato, causasque dicendum, quare sanctio praefata, illiusque corruptela et abusio in concernentibus auctoritatem, dignitatem et unitatem ecclesiae Romanae et apostolicae sedis, sacro- 20 rumque canonum et ecclesiasticae libertatis violationem, nulla et invalida declarari, decerni, et abrogari non debeat, illosque sic monitos et citatos arctari et teneri, ac si personaliter moniti et citati fuissent, statuimus et decernimus. Ulterius omnes et singulas provisiones, collationes beneficiorum ecclesiasticorum, confirmationes electionum et postulationum, 25 concessionum gratias, mandata et indulta quaecumque, tam gratiam quam iustitiam seu mixtim concernentia, cuiuscumque tenoris existant, quae praesentibus pro expressis haberi volumus, per synagogam vel conciliabulum Pisanum, illiusque schismaticos adhaerentes, auctoritate et dignitatibus omnibus carentes^b facta et concessa, quamvis sint nulla et invalida, 30 pro potiori tamen cautela, nulla et irrita, nulliusque roboris vel momenti esse, omnesque et singulos cuiuscumque dignitatis, status, gradus, nobilitatis, ordinis et conditionis existentes, quibus concessa fuerunt, aut quorum commodum, utilitatem seu honorem quomodolibet respiciunt, nullos eorum fructus, redditus et proventus suos facere, vel hactenus fecisse, sed ad 35 illorum restitutionem, et ipsorum beneficiorum, et aliorum praemissorum concessorum dimissionem teneri, et nisi beneficia ipsa et alia eis concessa infra duos menses a data praesentium computandos realiter et omnino dimiserint, etiam aliis beneficiis ecclesiasticis, quae iusto titulo possident, eo ipso privatos existere dicto sacro approbante concilio, decernimus. 40 Fructus quoque, redditus et proventus huiusmodi, ac quasvis pecunias decimarum per dictum conciliabulum impositarum, exactos, et exigendos, expeditioni contra infideles faciendae applicamus. Ut autem declaratio reformationis et nullitatis sanctionis praedictae, aliaque gerenda mature exequi, et praelati ad sacrum concilium huiusmodi venturi, quorum ali- 45

a faciendam ... concilio *om. Mri*b auctoritate ,... carentes *om. Mri*

councils, has been introduced and observed by way of an abuse. It must rightly, along with its contents, be declared null and void and be repealed. Louis XI, king of France, of distinguished memory, repealed this sanction, as is clearly contained in his letters patent already made. Therefore, with the approval of the same council, we commit to the meetings of our venerable brothers, cardinals of the aforesaid church, and of other prelates, which are to be held in the upper room of the Lateran, insofar as this is necessary, the business of the declaration and abrogation which we are to make, as well as the report that is to be made to us and the same sacred council concerning the matters discussed in the first and other sessions, insofar as this can conveniently be done. We determine and decree that the prelates of France, chapters of churches and monasteries, and laymen favouring them, of whatever rank they may be, even royal, who approve or falsely use the said sanction, together with each and every other person thinking, either individually or in a group, that this sanction is to his advantage, be warned and cited, within a definite adequate term to be established, by a public edict — which is to be fixed on the doors of the churches of Milan, Asti and Pavia, since a safe approach to France is not available — that they are to appear before us and the aforesaid council and declare the reasons why the said sanction and its corrupting effect and misuse in matters concerning the authority, dignity and unity of the Roman church and the apostolic see, and the violation of sacred canons and of ecclesiastical freedom, ought not to be declared and judged null and void and be abrogated, and why those so warned and cited should not be restrained and held as if they had been warned and cited in person.

Moreover, with regard to each and all provisions and collations of ecclesiastical benefices, confirmations of elections and petitions, grants of concessions, mandates and induits, of whatever kind, concerning both favours and matters of justice or both together, of whatever sense they may be — which things we wish to be regarded as clearly stated in the present letter — which were made by the synagogue or quasi-council of Pisa and its schismatic adherents, lacking all authority and merit, though they are indeed null and void, yet, for greater caution, we decree, with the approval of the said sacred council, that they are null and of no effect, force or importance; and that each individual, of whatever rank, status, grade, nobility, order or condition, to whom they were granted, or to whose convenience, advantage or honour they pertain, are to give up their fruits, incomes and profits, or to arrange for this to be done, and they are bound to restore both these things and their benefices and to give up the other aforesaid concessions; and that unless they have really and completely given up the benefices themselves and the other things granted to them, within two months from the date of this present letter, they are automatically deprived of the other ecclesiastical benefices which they hold by lawful title. Moreover, we apply whatever has been or shall be obtained in the way of fruits, rents and profits of this kind, and money-taxes imposed by the said quasi-council, to the campaign which is to be conducted against the infidels.

In order that the declaration of reform, and of the nullity of the said sanction, as well as other business may be carried out in due season, and so that the prelates who are still to come to this sacred council (we have received news that

quos iam iter ad veniendum arripuisse accepimus, commode venire possint, quintam sessionem decimoquarto kalendas martii, quae erit quarta feria post primam dominicam quadragesimae proxime futurae, faciendam, praefato sacro concilio approbante indicimus. Nulli ergo ...
 5 Si quis autem ...

SESSIO V

16 febr. 1513

[Bulla innovationis et confirmationis Constitutionis contra symoniacam pravitatem in electione Romani pontificis non committendam]

Iulius episcopus servus servorum Dei, ad perpetuam rei memoriam, sacro
 10 approbante concilio. Si summus rerum opifex, terrarum caelique sator, sua ineffabili providentia Romanum pontificem in cathedra praeeminentiae pastoralis christiano generi praeesse voluit, ut sanctam Romanam universalem ecclesiam sinceris corde et opere gubernaret, fideliumque omnium profectibus sollicitis studiis intenderet, decens et salutare reputamus,
 15 ut in electione praefati pontificis, in quem ut puritatis et candoris speculum fideles ipsi intuentur, omnis labes omnisque illius suspicio absit, talesque ad tanti fastigii gradum assumantur, qui rite et recte et canonice ingressi modo et ordine convenientibus, naviculae Petri gubernacula sustineant, talesque existant in tanto dignitatis culmine constituti,
 20 qui bonis et rectis solatio malis autem formidini sint, et eorum exemplo ceteri fideles ad bene operandum instruantur et ad viam salutis dirigantur, et ea quae propterea per nos statuta et ordinata fuerunt pro rei magnitudine et gravitate, per sacrum generale concilium approbentur, et innoventur, et approbata et innovata communiantur, ut eo firmiter perdurent
 25 et tenacius observentur, et adversus diaboli multiplices insidias defendantur, quo fuerint dicta auctoritate saepius circumfulta. Dudum siquidem a nobis, magnis et urgentibus causis, magnaue et matura discussione et deliberatione cum doctissimis et gravissimis viris, etiam sanctae Romanae ecclesiae cardinalibus, praecedentibus et perhabitis, emanarunt
 30 literae tenoris subsequentis.

Constitutio inserta

Iulius episcopus servus servorum Dei, ad perpetuam rei memoriam. Cum tam divino quam humano iure, in spiritualibus praecipue detestabiliter simoniae sit labes prohibita, et longe magis in electione Romani pontificis vicarii Iesu Christi domini nostri abhominabilis sit, et universali ecclesiae perniciose: nos, qui regimini eiusdem universalis ecclesiae, meritis licet imparibus, auctore Domino praesidemus, cupientes, quantum cum Deo possumus, in praemissis pro tantae rei necessitate ac periculi magnitudine, ut tenemur, in posterum salubriter providere, de fratrum nostrorum sanctae Romanae ecclesiae cardinalium consilio et unanimi consensu, hac nostra perpetuo valitura constitutione, apostolica auctoritate, et de
 10 potestatis nostrae plenitudine statuimus, ordinamus, decernimus et diffinimus, quod si (quod Deus pro sua clementia et in omnes bonitate avertat) contigerit postquam nos vel

1 Cf. Ac 8,18-22.

some have already set out on their journey to attend) may be able to arrive without inconvenience, we declare, with the approval of the council, that the fifth session shall be held on 16 February, which will be Wednesday after the first Sunday of the coming Lent. Let nobody therefore... If anyone however...

SESSION 5

16 February 1513

[Bull renewing and confirming the Constitution against not committing the evil of simony when electing the Roman pontiff]

Julius, bishop, servant of the servants of God, with the approval of the sacred council, for an everlasting record. The supreme maker of things, the creator of heaven and earth, has willed by his ineffable providence that the Roman pontiff preside over the Christian people in the chair of pastoral supremacy, so that he may govern the holy, Roman, universal church in sincerity of heart and deeds and may strive after the progress of all the faithful. We therefore regard it as suitable and salutary that, in the election of the said pontiff, in order that the faithful may look upon him as a mirror of purity and honesty, all stain and every trace of simony shall be absent; that men shall be raised up for this burdensome office who, having embarked in the appropriate manner and order in a due, right and canonical way, may undertake the steering of the barque of Peter and may be, once established in so lofty a dignity, a support for right and good people and a terror for evil people; that by their example, the rest of the faithful may receive instruction on good behaviour and be directed in the way of salvation; that the things which have been determined and established by us for this, in accordance with the magnitude and seriousness of the case, may be approved and renewed by the sacred general council; and that the things so approved and renewed may be communicated, so that the more frequently they are upheld by the said authority, the more strongly they shall endure and the more resolutely they shall be observed and defended against the manifold attacks of the devil. Formerly, indeed, for great and urgent reasons, as a result of important and mature discussion and deliberation with men of great learning and authority, including cardinals of the Roman church, excellent and very experienced persons, a document on the following lines was issued by us.

Inserted constitution

Julius, bishop, servant of the servants of God, for an everlasting record. From a consideration that the detestable crime of simony is forbidden by both divine and human law, particularly in spiritual matters¹, and that it is especially heinous and destructive for the whole church in the election of the Roman pontiff, the vicar of our lord Jesus Christ, we therefore, placed by God in charge of the government of the same universal church, despite being of little merit, desire, so far as we are able with God's help, to take effective measures for the future with regard to the aforesaid things, as we are bound to, in accordance with the necessity of such an important matter and the greatness of the danger. With the advice and unanimous consent of our brothers, cardinals of the holy Roman church, by means of this our constitution which will have permanent validity, we establish, ordain, decree and define, by apostolic authority and the fulness of our power, that if it happens (which may God avert in his mercy and goodness towards all), after God has released us or our successors from the government of the universal

¹ See Ac 8, 18-22.

successores nostros successive ipse Deus ab huiusmodi universalis ecclesiae regimine absol-
 verit, humani generis inimico procurante, et ambitione vel cupiditate ad hoc inclinante seu
 impellente, electionem Romani pontifias ab eo quem eligi contigerit, vel ab aliquo, seu
 aliquibus de coetu cardinalium quomodolibet votum dantibus, per simoniacam haeresim
 in dando, promittendo, vel recipiendo pecunias, bona cuiusque generis, castra, officia vel
 beneficia, seu promissiones et obligationes, commissam per se vel alium seu alios quomo-
 documque et qualitercumque, etiam in duarum partium, vel omnium cardinalium unanimi
 concordia quomodolibet, etiam per viam assumptionis unanimiter, nemine discrepante,
 etiam sine scrutinio factae, celebrari vel fieri, non solum huiusmodi electio vel assumptio
 eo ipso nulla existât, et nullam eidem sic electo vel assumpto administrandi in spiritualibus
 et temporalibus facultatem tribuat, sed etiam contra dictum sic electum vel assumptum, de
 simoniaca labe a quocumque cardinale, qui eidem electioni interfuerit, opponi et excipi possit,
 sicut de veta et indubitata haeresi, ita quod a nullo pro Romano pontifice habeatur: quinimo
 ipse sic electus a priori suo cardinalatus et alio quocumque honore, ecclesiis cathedralibus,
 etiam metropolitanis et patriarchalibus, monasteriis, dignitatibus et aliis quibuscumque
 beneficiis et pensionibus, quae tunc obtinebat in titulum vel in commendam, aut aliis quo-
 documque, eo ipso absque alia declaratione privatus existât: et idem electus, non aposto-
 licus, sed apostaticus, et tamquam Simon magus¹ et haeresiarcha, et ad praedicta omnia et
 singula perpetuo inhabilis habeatur et sit. Nec huiusmodi simoniaca electio per subsequen-
 tem ipsius inthr² tionem, seu temporis cursum, aut etiam omnium cardinalium adora-
 tionem seu obedientiam, ullo unquam tempore convalescat. Liceatque omnibus et singulis
 cardinalibus, etiam illis qui huic simoniacae electioni seu assumptioni consenserint, etiam
 post inthronizationem et adorationem seu obedientiam, ac etiam universo clero, populo
 Romano, nec non subditis et sancti Angeli de Urbe, ac quarumvis aliarum Romanae ecclesiae
 arcium praefectis, castellanis, capitaneis et aliis officialibus, quocumque homagio seu iura-
 mento vel cautione praestitis non obstantibus, a talis electi, etiam inthronizati, obedientia et
 devotione impune et quandocumque discedere, (ipsis fidei Romanae ecclesiae et obedientiae
 futuri Romani pontificis canonice intrantis, nihilo minus adstrictis permanentibus) et eum
 ut magum, ethnicum, publicanum et haeresiarcham evitare. Ad cuius quoque confusionem
 possint cardinales qui praefatae electioni se opponere voluerint, si praesumpserint se regimini
 universalis ecclesiae praetextu talis electionis ingerere, auxilium brachii saecularis contra cum
 implorare. Nec tales ab eius obedientia discedentes, tamquam tunicae Domini scissores²,
 aliquarum propter dictum discessum poenarum seu censurarum ultioni subiaceant. Cardi-
 nales vero qui cum sic simoniace elegerint, a suis ordinibus et etiam cardinalatus titulis et
 honore, ac quibuscumque patriarchalibus, archiepiscopalibus, episcopalibus et aliis praela-
 turis ac dignitatibus et beneficiis, quae in titulum vel commendam tunc obtinebant, vel in
 quibus, seu ad quae ius tunc habebunt absque alia declaratione privati existant, nisi ab illo
 penitus et cum eflecti discesserint et reliquis cardinalibus, qui huiusmodi simoniac non con-
 senserint, infra terminum octo dierum postquam fuerint ab eis requisiti personaliter, si fieri
 poterit, alias per edictum publicum se absque fictione vel fraude univerint et conjunxerint.
 Et tunc, si praefatis aliis cardinalibus se univerint et coniunxerint, in pristinum statum et ad
 pristinos honores et dignitates et cardinalatus ac ecclesias et beneficia quibus praeerant et
 quae obtinebant, réintégrât!, réhabilitât! ac restituti et repositi, ab huiusmodi simoniac labe
 et censuris ac poenis ecclesiasticis quibuscumque absoluti eo ipso existant. Mediatores vero,
 proxenetae, trapezitae tam clerici quam laici, cuiuscumque dignitatis, qualitatis et ordinis
 fuerint, etiam patriarchal!, archiepiscopal!, sive episcopali, vel alia saeculari, mundana sive
 ecclesiastica dignitate praediti, etiam quorumcumque regum et principum oratores vel
 nuntii, huius simoniacae electionis participes, sint omnibus suis ecclesiis, beneficiis, praela-
 turis et feudis, ac aliis quibuscumque honoribus et bonis eo ipso privati, et ad similia in-
 habiles, ac etiam active et passive intestabiles, et eorum bona ipso facto ad instar reorum
 criminum laesae maiestatis fisco apostolicae sedis applicentur devolvanturque, si praedicti

1 Cf. Ac 8,18-22.

2 Cf. Io 19,23.

church, that by the efforts of the enemy of the human race and following the urge of ambition or greed, the election of the Roman pontiff is made or effected by the person who is elected, or by one or several members of the college of cardinals, giving their votes in a manner that in any way involves simony being committed — by the gift, promise or receipt of money, goods of any sort, castles, offices, benefices, promises or obligations — by the person elected or by one or several other persons, in any manner or form whatsoever, even if the election resulted in a majority of two-thirds or in the unanimous choice of all the cardinals, or even in a spontaneous agreement on the part of all, without a scrutiny being made, then not only is this election or choice itself null, and does not bestow on the person elected or chosen in this fashion any right of either spiritual or temporal administration, but also there can be alleged and presented, against the person elected or chosen in this manner, by any one of the cardinals who has taken part in the election, the charge of simony, as a true and unquestionable heresy, so that the one elected is not regarded by anyone as the Roman pontiff.

A further consequence is that the person elected in this manner is automatically deprived, without the need of any other declaration, of his cardinal's rank and of all other honours whatsoever as well as of cathedral churches, even metropolitan and patriarchal ones, monasteries, dignities and all other benefices and pensions of whatever kind which he was then holding by title or in commendam or otherwise; and that the elected person is to be regarded as, and is in fact, not a follower of the apostles but an apostate and, like Simon, a magician¹ and a heresiarch, and perpetually debarred from each and all of the above-mentioned things. A simoniacal election of this kind is never at any time to be made valid by a subsequent enthronement or the passage of time, or even by the act of adoration or obedience of all the cardinals. It shall be lawful for each and all of the cardinals, even those who consented to the simoniacal election or promotion, even after the enthronement and adoration or obedience, as well as for all the clergy and the Roman people, together with those serving as prefects, castellans, captains and other officials at the Castel Sant' Angelo in Rome and any other strongholds of the Roman church, notwithstanding any submission or oath or pledge given, to withdraw² without penalty and at any time from obedience and loyalty to the person so elected even if he has been enthroned (while they themselves, notwithstanding this, remain fully committed to the faith of the Roman church and to obedience towards a future Roman pontiff entering office in accordance with the canons) and to avoid him as a magician, a heathen, a publican and a heresiarch. To discomfort him still further, if he uses the pretext of the election to interfere in the government of the universal church, the cardinals who wish to oppose the aforesaid election can ask for the help of the secular arm against him.

Those who break off obedience to him are not to be subject to any penalties and censures for the said separation, as though they were tearing the Lord's garment³. However, the cardinals who elected him by simoniacal means are to be dealt with without further declaration as deprived of their orders as well as of their titles and honour as cardinals and of any patriarchal, archiepiscopal, episcopal or other prelacies, dignities and benefices which at that time they held by title or in commendam, or in which or to which they now have some claim, unless they totally and effectively abandon him and unite themselves without pretence or trickery to the other cardinals who did not consent to this simony, within eight days after they receive the request from the other cardinals, in person if this shall be possible or otherwise by a public announcement. Then, if they have joined themselves in full union with the said other cardinals, they shall immediately stand reintegrated, restored, rehabilitated and re-established in their former state, honours and dignities, even of the cardinalate, and in the churches and benefices which they had charge of or held, and shall stand absolved from the stain of simony and from any ecclesiastical censures and penalties.

Intermediaries, brokers and bankers, whether clerical or lay, of whatever rank, quality or order they may have been, even patriarchal or archiepiscopal or episcopal, or enjoying other secular, worldly or ecclesiastical status, including spokesmen or envoys of any kings and princes, who had part in this simoniacal election, are by that very fact deprived of all their churches, benefices, prelacies and fiefs, and any other honours and possessions. They are debarred from anything of that kind and from making or benefiting from a will, and their property, like that of those condemned for treason, is immediately confiscated and allotted to the treasury of the apostolic see, if the aforesaid criminals are ecclesiastics or otherwise subjects

¹ See Ac 8, 18-22.

² See Jn 19, 23.

delinquentes ecclesiastici fuerint» vel alias Romanae ecclesiae subditi. Bona vero et feuda taliter delinquentium non subditorum, saccularium in partibus existentia, fisco saccularis principis, in cuius territorio bona sita fuerint, ipso facto similiter applicentur. Ita tamen» quod si infra tres menses a die quo notum fuerit illos simoniam commisisse» vel participasse.

5 principes dicta l¹ a fisco suo¹ actualiter non applicaverint» extunc illa fisco ecclesiae Romanae applicata censeantur et sint eo ipso, absque aliqua similiter declaratione. Promissiones quoque et obligationes, sive sponsiones» propterea quandocumque, etiam ante tempus dictae electionis, etiam extra personas cardinalium per quoscumque alios quomodocumque factae, cum quavis inexcogitabili solemnitate et forma» etiam iuratae, conditionales, sive

10 eventuates, et in forma excommissarum ex quacumque causa etiam depositi, mutui» cambii» confessionis de receptis» donationis» arrendamenti, vel venditionis, permutationis, vel alterius cuiuscumque contractus» etiam in ampliori forma camerae apostolicae factae, sint nullae et invalidae, et ad agendum inefficaces, nullusque illarum vigore cogi vel constringi possit in iudicio vel extra; licearque omnibus ab illis impune absque aliquo metu sive per-

15 iurii nota recedere. Et insuper liceat cardinalibus qui electioni praedictae simoniacae interfuerint, et a praefato sic electo discesserint» adhibitis secum aliis cardinalibus» etiam illis qui huiusmodi simoniacae electioni consenserunt^b, et postea eisdem cardinalibus in dicta simonia non complicitibus se univerint» si se cum eisdem unire voluerint: alioquin sine eis ad alterius nihilo minus pontificis electionem, non expectata alia sententia declaratoria simoniacae

30 electionis huiusmodi» eadem tamen praesente nostra constitutione semper in suo robore permanente, libere alias tamen canonice devenire, et concilium etiam generale indicare et convocare in loco idoneo, prout eis videbitur expedire, non obstantibus constitutionibus et ordinibus^c apostolicis, et praecipue felicitis recordationis Alexandri papae III quae incipit: *Licet de evitanda discordia*; et aliorum Romanorum pontificum praedecessorum nostrorum, etiam in conciliis generalibus editis, ceterisque contrariis quibuscumque inhibentibus. Postremo omnibus et singulis sanctae Romanae ecclesiae cardinalibus, qui pro tempore erunt» et eorum sacro collegio, ne apostolica sede vacante» praedictis contravenire, vel contra praemissa vel aliquod praemissorum statuere, disponere, ordinare, vel aliquo modo facere seu attentare praesumant, quocumque exquisito colore vel causa, sub excommunicationis latae sententiae poena, quam ipso facto incurrant, et a qua non nisi per Romanum pontificem canonice electum absolvi possint, nisi in mortis articulo. Decernentes extunc irritum

et i¹ e» si secus super hiis vel aliquo praemissorum a quoquam scienter vel ignoranter, etiam per nos contigerit attentari. Ut autem praesentis constitutionis, decreti» statuti» ordinationis ac inhibitionis nostrae huiusmodi tenor ad omnium notitiam deducatur; vo-

35 lumus praesentes literas nostras in valvis basilicae Principis apostolorum, nec non cancellariae, ac in ade campi Florae affigi» nec aliam earumdem literarum publicationis solemnitatem requiri aut expectari debere, sed huiusmodi affixionem pro solemnibus publicatione et perpetuo robore sufficere. Nulli ergo ... Si quis autem ... Datum Romae apud sanctum Petrum anno incarnationis dominicae millesimo quingentesimoquinto, decimonono kalendas febru-

40 arii, pontificatus nostri anno tertio.

[..] Nos attendentes, quanti ponderis, quantique exitii Christi vicariorum in terris adulterinae electiones essent quantumque detrimenti Christianae religioni afferre possent, praesertim his difficillimis temporibus, quibus diversimode vexatur Christiana religio universa; volentes satanae dolis et insidiis, humanaeque praesumptioni et ambitioni, quantum nobis permittitur, obviare, ut literae praedictae eo magis observentur, quo clarius constiterit, eas matura et salubri deliberatione dicti sacri concilii approbatas et innovatas, qua statutae et ordinatae fuerunt, licet ad sui

4 om. *Msi* b consenserint *Msi* c ordinationibus *Msi*

1 c. 6 .Y. I 6 (Fr 2, 51); conc. Lat. III, c. 1 (v. supra p. 211).

of the Roman church. If they are not subjects of the Roman church» their goods and fiefs in regions under secular control are immediately allotted to the treasury of the secular ruler in whose territory the property is located; in such a way» however» that if within three months from the day on which it was known that they had committed simony, or had part in it, the rulers have not in fact allotted the said goods to their own treasury, then the goods are from that date considered as allotted to the treasury of the Roman church, and are immediately so considered without the need for any further pronouncement to the same effect.

Also not binding and invalid, and ineffectual for taking action, are promises and pledges or solemn engagements made at any time for that purpose, even if prior to the election in question and even if made in any way through persons other than the cardinals, with some strange solemnity and form, including those made under oath or conditionally or dependent upon the outcome, or in the form of agreed bonds under whatever inducement, whether it be a deposit, loan, exchange, acknowledged receipt, gift, pledge, sale, exchange or any other kind of contract, even in the fuller form of the apostolic camera. Nobody can be bound or under pressure by the strength of these in a court of justice or elsewhere, and all may lawfully withdraw from them without penalty or any fear or stigma of perjury.

Moreover, cardinals who have been involved in such a simoniacal election, and have abandoned the person thus elected, may join with the other cardinals» even those who consented to the simoniacal election but later joined with the cardinals who did not commit the said simony, if the latter are willing to join with them. If these cardinals are not willing, they may freely and canonically proceed without them in another place to the election of another pope, without waiting for another formal declaration to the effect that the election was simoniacal, though there always remains in force our same current constitution. They may announce and call together a general council in a suitable place as they shall judge expedient, notwithstanding constitutions and apostolic orders, especially that of pope Alexander III, of happy memory¹, which begins *Licet de evitanda discordia*, and those of other Roman pontiffs, our predecessors, including those issued in general councils, and any other things to the contrary that impose restraint.

Finally, each and every one of the cardinals of the holy Roman church in office at the time, and their sacred college, are under pain of immediate excommunication, which they automatically incur and from which they cannot be absolved except by the canonically elected Roman pontiff, except when in immediate danger of death, not to dare, during a vacancy in the apostolic see, to contravene the aforesaid, or to legislate, dispose or ordain or to act or attempt anything in any way, under whatever alleged pretext or excuse, contrary to the aforesaid things or to any one of them. From this moment we decree it to be invalid and worthless if there should happen to be, by anyone knowingly or unknowingly, even by us, an attack on these or any one of the foregoing regulations. So that the meaning of this our present constitution, decree, statute, regulation and limitation may be brought to the notice of everyone, it is our will that our present letter be affixed to the doors of the basilica of the prince of the apostles and of the chancellery and in a corner of the Campo dei Fiori, and that no other formality for the publication of this letter be required or expected, but the aforesaid public display suffices for its solemn publication and perpetual force. Let nobody therefore ... If anyone however...

Given at Rome at St Peter's on 14 January 1505/6, in the third year of our pontificate.

[...] As we ponder how heavy is the burden and how damaging the loss to the vicars of Christ on earth that counterfeit elections would be, and how great the hurt they could bring to the Christian religion, especially in these very difficult times when the whole Christian religion is being disturbed in a variety of ways, we wish to set obstacles to the tricks and traps of Satan and to human presumption and ambition, so far as it is permitted to us, so that the aforesaid letter shall be better observed the more clearly it is established that it has been approved and renewed by the mature and healthy discussion of the said sacred council, by which it has been decreed and ordained, though it does not need any other

¹ ch. 6 *Decretals* I 6 (Fr 2, 51); Lateran council III, canon 1 (see above p. 211).

subsistentiam et validitatem alia probatione non indigerent, sed ad abundantiore cautelam, et ad tollendam omnem doli ac malitiae causam male cogitantibus et tam saluberrimae constitutioni contravenire satagentibus, ut eo tenacius observentur et difficilius tollantur, quo tantorum patrum fuerint approbatione munitae, literas praedictas cum omnibus et singulis statutis, ordinationibus, decretis, definitionibus, poenis, inhibitionibus, aliisque omnibus, et singulis clausulis in eis contentis, sacro hoc Lateranensi concilio approbante, auctoritate et potestatis plenitudine praefatis, approbamus et innovamus easque inviolabiliter et irrefragabiliter observari et custodiri mandamus, roburque perpetuae firmitatis obtinere, ac cardinales, mediatores, oratores, nuntios et alios in dictis literis contentos, ad ipsarum literarum et omnium et singulorum in eis expressorum observationem, sub censuris et poenis, et aliis in eis contentis, iuxta earumdem tenorem et formam teneri et obligatos fore decernimus et declaramus, non obstantibus constitutionibus et ordinationibus apostolicis, ac omnibus illis quae in dictis literis volumus non obstare, ceterisque contrariis quibuscumque. Nulli ergo ... Si quis autem .. ,¹

SESSIO VI

27 apr. 1513

[Salvumconductum veniendi morandi consulendi redeundi quibuscumque ad concilium venire volentibus et debentibus]

Leo episcopus servus servorum Dei, ad futuram rei memoriam, sacro approbante concilio. Superna illius ordinatione, *qui caelestia et terrestria omnipotentis* providentia *moderatur*², sanctae suae universali ecclesiae licet immeriti praesidentes, inter multiplices curas, quibus assidue angimur, Doctoris gentium salubri sanctissimaeque doctrina moniti, ad ea maxime aciem nostrae mentis convertimus, per quae in ecclesia ipsa perpetua unitas et caritas inviolata perdurent*, grexque nobis commissus rectis tramitibus in viam salutis procedat, ac christicolarum nomen et pretiosae crucis signum in quo fideles salvati sunt, infidelibus expulsis, dextera Dei assistente, latius diffundatur. Sane postquam felicis recordationis Iulius papa II praedecessor noster sacrum generale Lateranense concilium de venerabilium fratrum nostrorum sanctae Romanae ecclesiae cardinalium, de quorum numero tunc eramus, consilio et assensu, laudabiliter, legitime et ex rationabilibus causis, Spiritu sancto coopérante, et in eo quinque sessiones tenuerat sextamque sessionem tertio idus praesentis mensis faciendam indixerat, nos, dicto praedecessore de medio sublato, extunc expressis et aliis causis nostrum et dictorum fratrum animum moventibus, sextam sessionem huiusmodi, de eorumdem fratrum consilio et assensu, usque in hodiernum prorogavimus. Cum autem in minoribus constitutis

In hac sessione commemorata sunt etiam alia acta contra Pragmaticam³ praesertim Iulii II constitutio *Inter alia* (Msi 32, 772-773).

² Oratio Dom. II post Epiph. ¹ Cf. Eph 4,2-6, 13-16 et alia.

approval for its permanence and validity. For a more ample safeguard, and to remove all excuse for guile and malice on the part of evil thinkers and those striving to overthrow so sound a constitution, with a view to the letter being observed with greater determination and being more difficult to remove, to the extent that it is defended by the approval of so many of the fathers, we therefore, with the approval of this Lateran council and with the authority and fullness of power stated above, confirm and renew the said letter together with every statute, regulation, decree, definition, penalty, restraint, and all the other and individual clauses contained in it; we order it to be maintained and observed without change or breach and to preserve the authority of an unchanging firmness; and we decree and declare that cardinals, mediators, spokesmen, envoys and others listed in the said letter are and shall be bound to the observance of the said letter and of each and every point expressed in it, under pain of the censures and penalties and other things contained in it, in accordance with its meaning and form; notwithstanding apostolic constitutions and ordinances, as well as all those things which we wished not to prevent in the said letter, and other things of any kind to the contrary. Let nobody therefore ... If anyone however..¹

SESSION 6

27 April 1513

[Safeconduct for those who wish and ought to come to the council, for their coming, residence, exchange of views and return journey]

Leo, bishop, servant of the servants of God, with the approval of the sacred council, for an everlasting record. By the supreme ordinance of *the omnipotent who governs the things of heaven and of earth*² by his providence, we preside over his holy and universal church, though we are unworthy. Instructed by the saving and most holy teaching of the doctor of the gentiles, we direct our chief attention, among the many anxieties from which we unceasingly suffer distress, towards those things in particular by means of which unending unity and unsullied charity may abide in the church³; the flock committed to us may go forward along the right courses towards the way of salvation; and the name of Christians and the sign of the most sacred cross, in which the faithful have been saved, may be more widely spread, after the infidels have been expelled with the help of God's right hand.

Indeed, after the holding of five sessions of the sacred general Lateran council, pope Julius II of happy memory, our predecessor, by the advice and agreement of our venerable brothers the cardinals of the holy Roman church, of whose number we then were, in a praiseworthy and lawful manner and for sound reasons, guided by the holy Spirit, summoned the sixth session of the council to take place on the eleventh day of this month. But after he had been taken from our midst, we postponed the sixth session until today, with the advice and consent of our said brothers, for reasons which were then expressed and for other reasons influencing the attitude of us and of our said brothers. But since there had always been an inner determination within us, while we were of lesser

¹ At this session other measures against the Pragmatic Sanction were also recorded, especially Julius II's constitution *Inter alia* (Msi 32, 772-773).

² Prayer for 2nd Sunday after Epiphany. ³ See Eph 4, 2-6, 13-16 and elsewhere.

semper nobis insitum cordi fuerit, generale concilium (utpote agri domi-
 nici culturam praecipuam) celebrari videndi, nunc ad apostolatus apicem
 assumpti, honesto utilique desiderio nostro debitum ex iniuncto nobis
 curae pastoralis officio accessisse conspicientes, rem hanc ardentiori voto
 5 et tota animi alacritate suscepimus. Itaque prorogationem huiusmodi per
 nos factam, approbante eodem sacro Lateranensi concilio, approbamus,
 ac concilium ipsum usque ad perfectionem causarum, propter quas indic-
 tum extitit et praesertim, ut inter principes et potentatus Christianos,
 bellis atrocibus pacatis, hostilibusque armis depositis, universalis et firma
 10 pax componi valeat, pro qua indefessa sollicitudine, nihil pro tam salubri
 bono intactum relinquendo, omnes conatus nostros adhibere intendimus,
 prosequi, et sine debito terminare velle, nostrique incommutabilis animi
 et intentionis fore et esse declaramus, ut iis quae ad Dei laudem ecclesiae-
 que praefatae exaltationem ac Christi fidelium concordiam pertinent,
 is peractis, sancta ac necessaria expeditio contra catholicae fidei hostes
 fieri, feliciterque ex illis (Altissimo favente) triumphari possit. Ut autem
 ad tantum perutile concilium accedere debentes ab accessu huiusmodi
 quomodolibet non retrahantur, omnibus et singulis ad celebrationem
 concilii praefati per dictum Iulium praedecessorem convocatis, aut in
 20 congregationibus conciliorum generalium de iure vel consuetudine inté-
 resse debentibus, praesertim Gallicae nationis, et ad dictum concilium
 Lateranense venientibus schismaticis et aliis quibuscumque, de iure
 communi vel speciali, per sententiam seu literas apostolicas praedeces-
 sorum nostrorum, vel sedis apostolicae, (prohibitis dumtaxat exceptis)
 25 venientiumque servitoribus et familiaribus, cuiuscumque status, gradus,
 conditionis vel nobilitatis existentibus, ecclesiasticis et saecularibus, pro
 se et eorum bonis quibuscumque, non obstantibus quibusvis censurarum
 et poenarum ecclesiasticarum et saecularium adiectionibus, contra eos ex
 quibusvis causis, a iure, vel per sedem praefatam, sub quibusvis verborum
 30 formis et clausulis generaliter promulgatis, et quas generaliter incurrerunt,
 per civitates, terras et loca terrestria et maritima Romanae ecclesiae prae-
 fatae subiecta, ad concilium Lateranense ad Urbem huiusmodi veniendi,
 et in ea morandi et libere consulendi, et ab ea quoties videbitur recedendi,
 liberum, tutum, plenum et omnimodum salvumconductum, cum plena,
 35 libera, tuta et omnimoda securitate, atque in vera et infallibili fide ponti-
 ficia, approbante sacro concilio praefato, harum serie damus et concedimus.
 Et nihilo minus omnes et singulos reges, principes et potentatus Christi-
 anos per literas nostras hortabimur, monebimus et requiremus, ut pro
 summi Dei et apostolicae sedis reverentia, venientes ad sacrum Lateranen-
 40 se concilium huiusmodi, directe vel indirecte, quomodolibet in persona
 vel bonis non molestent, seu molestari faciant, sed eos libere, secure et
 quiete venire permittant. Ceterum pro exequenda celebratione ipsius
 concilii, septimam sessionem decimo kalendas iunii proxime futuri facien-
 dam indicimus. Nulli ergo ... Si quis autem ...

rank, to see the general council being celebrated (as a principal means of cultivating the Lord's field), now that we have been raised to the highest point of the apostolate, considering that a duty which results from the office of pastoral care enjoined on us has coincided with our honourable and beneficial wish, we have undertaken this matter with a more earnest desire and complete readiness of mind. Consequently, with the approval of the same sacred Lateran council, we approve the postponement which we made and the council itself, until the aims for which it was summoned have been completed, in particular that a general and settled peace may be arranged between Christian princes and rulers after the violence of wars has been stilled and armed conflict set aside. We intend to apply and direct all our efforts to this peace, with untiring care and leaving nothing untried for so salutary a good. We declare that it is and shall be our unchangeable attitude and intention that, after those things which affect the praise of God and the exaltation of the aforesaid church and the harmony of Christ's faithful have been achieved, the holy and necessary campaign against the enemies of the catholic faith may be carried out and may achieve (with the favour of the most High) a triumphant outcome.

In order, however, that those who ought to attend so very useful a council may not be held back in any way from coming, we hereby grant and concede, with the approval of the said sacred council, to each and every one of those summoned to the council by the said Julius, our predecessor, or who ought to take part, by right or custom, in the meetings of general councils, especially those of the French nation, and to those schismatics and others who are coming to the said Lateran council by common or special right, on account of a declaration or apostolic letter of our predecessors or of the apostolic see (except, of course, those under prohibition), and to the attendants and associates of those who come, of whatever status, rank, condition or nobility they may be, ecclesiastical or secular, for themselves and all their belongings, a free, guaranteed and fully comprehensive safeconduct, for coming by land or sea through the states, territories and places that are subject to the said Roman church, to this Lateran council in Rome, and of residing in the city and freely exchanging views, and of leaving it as often as they wish, with complete, unrestricted and total security and with a true and unchallengeable papal guarantee, notwithstanding any impositions of ecclesiastical or secular censures and penalties which may have been promulgated in general against them, for whatever reasons, by law or by the aforesaid see, under any forms of words or clauses, and which they may in general have incurred. By our letters we shall encourage, warn, and request each and every Christian king, prince and ruler that, out of reverence for almighty God and the apostolic see, they are not to molest or cause to be molested, directly or indirectly, in any way in their persons or goods, those on their way to this sacred Lateran council, but they are to allow them to come in freedom, security and peace.

In addition, for the carrying out of the celebration of this council, we declare that the seventh session shall be held on 23 May next. Let nobody therefore... If anyone however...

SESSIO VII

17 iun. 1513

[Constitutio *Méditatif tordit notin'*, qua octavam sessionem usque ad sextodecimo kalendas decembris üendam prorogat, lecta et approbata est.]

SESSIO VIII

19 dec. 1513

[Qamnatur omnis assertio contraria veritati Christianae
fidei illuminatae]

Leo episcopus servus servorum Dei, ad perpetuam rei memoriam, sacro «
approbante concilio. Apostolici regiminis sollicitudo nos assidue pulsat,
ut medendis animarum languoribus, quarum nos ex alto omnipotens
Auctor curam habere voluit, iis potissimum qui instantius fideles nunc
urgere cernuntur, salutifero olei et vini medicamine ad instar Samaritani
in evangelio² sollicitant operam impendamus, ne nobis illud Ieremiae 10
obiiciatur: *Numquid resina non est in Galaad, aut medicus non est ibi*³. Cum
itaque diebus nostris (quod dolenter ferimus) zizaniae seminator, anti-
quus humani generis hostis*, nonnullos perniciosissimos errores a fide-
libus semper explosos in agro Domini superseminare et augere sit ausus,
de natura praesertim animae rationalis, quod videlicet mortalis sit, aut is
unica in cunctis hominibus; et nonnulli temere philosophantes, secundum
saltem philosophiam verum id esse asseverant; contra huiusmodi pestem
opportuna remedia adhibere cupientes, hoc sacro approbante concilio
damnamus et reprobamus omnes asserentes animam intellectivam mor-
talem esse, aut unicam in cunctis hominibus et haec in dubium verten- 20
tes: cum illa non solum vere per se et essentialiter humani corporis forma
existât, sicut in canone felicitis recordationis Clementis.papae V praedeces-
soris nostri in generali Viennensi concilio edito continetur⁵, verum et
immortalis, et pro corporum quibus infunditur multitudine singulariter
multiplicabilis, et multiplicata, et multiplicanda sit. Quod manifeste 25
constat ex evangelio, cum Dominus ait: *Animam autem occidere non possunt*³.
Et alibi: *Qui odit animam suam in hoc mundo, in vitam aeternam custodit eam*¹.
Et cum aeterna praemia, et aeterna supplicia pro merito vitae iudicandis
repromittit⁸: alias incarnatio, et alia Christi mysteria nobis minime pro-
fuissent, nec resurrectio expectanda foret, ac sancti et iusti *miserabiliores* 30
essent, (iuxta Apostolum) *cunctis hominibus*?. Cumque verum vero minime
contradicat, omnem assertionem veritati illuminatae fidei contrariam,
omnino falsam esse definimus, et ut aliter dogmatizare non liceat, distric-
tius inhibemus: omnesque huiusmodi erroris assertionibus inhaerentes,
veluti damnatissimas haereses seminantes, per omnia, ut detestabiles et ab- 35

» Msi 32, 815-818. » Cf. Lc 10, 34. » Ir8,22. « Cf. Lc 13, 25,28.

* Conc. Vienn., c. [1] (v. supra pp. 360-361). * Mt 10, 28. 7 Io 12, 25.

» Cf. Mt 25, 46. ' 1 Cor 15,19.

SESSION 7

17 June 1513

[The constitution *Meditatio cordis nosin'*, postponing the eighth session to 16 November, is read out and approved.]

SESSION 8

19 December 1513

[Condemnation of every proposition contrary to the truth of the enlightened Christian faith]

Leo, bishop, servant of the servants of God, with the approval of the sacred council, for an everlasting record. The burden of apostolic government ever drives us on so that, for the weaknesses of souls requiring to be healed, of which the almighty Creator from on high has willed us to have the care, and for those ills in particular which are now seen to be pressing most urgently on the faithful, we may exercise, like the Samaritan in the gospel², the task of healing with oil and wine, lest that rebuke of Jeremiah may be cast at us: *Is there no balm in Gilead, is there no physician there?* Consequendy, since in our days (which we endure with sorrow) the sower of cockle, the ancient enemy of the human race⁴, has dared to scatter and multiply in the Lord's field some extremely pernicious errors, which have always been rejected by the faithful, especially on the nature of the rational soul, with the claim that it is mortal, or only one among all human beings, and since some, playing the philosopher without due care, assert that this proposition is true at least according to philosophy, it is our desire to apply suitable remedies against this infection and, with the approval of the sacred council, we condemn and reject all those who insist that the intellectual soul is mortal, or that it is only one among all human beings, and those who suggest doubts on this topic. For the soul not only truly exists of itself and essentially as the form of the human body, as is said in the canon of our predecessor of happy memory, pope Clement V, promulgated in the general council of Vienne², but it is also immortal; and further, for the enormous number of bodies into which it is infused individually, it can and ought to be and is multiplied. This is clearly established from the gospel when the Lord says, *They cannot kill the sonTl*, and in another place, *Whoever hates his life in this world, will keep itfor eternal life'*; and when he promises eternal rewards and eternal punishments to those who will be judged according to the merits of their life⁸; otherwise, the incarnation and other mysteries of Christ would be of no benefit to us, nor would resurrection be something to look forward to, and the saints and the just would be (as the Apostle says) *the most miserable of all people*⁹.

And since truth cannot contradict truth, we define that every statement contrary to the enlightened truth of the faith is totally false and we strictly forbid teaching otherwise to be permitted. We decree that all those who cling to erroneous statements of this kind, thus sowing heresies which are wholly condemned, should be avoided in every way and punished as detestable and

¹ Msi 32, 815-818.

² See Lk 10, 34.

³ Jer 8, 22.

⁴ See Lk 13, 25, 28.

⁵ Council of Vienne, decree [1] (see above pp. 360-361).

⁶ Mt 10, 28.

⁷ Jn 12, 25.

⁸ See Mt 25, 46.

⁹ 1 Cor 15, 19.

hominabiles haereticos et infideles, catholicam fidem labefactantes, vitandos et puniendos fore decernimus. Insuper omnibus et singulis philosophis in universitatibus studiorum generalium, et alibi publice legentibus, districte praecipiendo mandamus, ut cum philosophorum principia aut conclusiones, in quibus a recta fide deviare noscuntur, auditoribus suis legerint, seu explanaverint, quale hoc* de animae mortalitate aut unitate, et mundi aeternitate, ac alia huiusmodi, teneantur eisdem veritatem religionis Christianae omni conatu manifestam facere, et persuadendo pro sse docere, ac omni studio huiusmodi philosophorum argumenta, cum omnia solubilia existant, pro viribus excludere atque resolvere. Et cum non sufficiat aliquando tribulorum radices praescindere, nisi et, ne iterum pullulent, funditus evellere, ac eorum semina originalesque causas, unde facile oriuntur, remove, cum praecipue humanae philosophiae studia diuturniora, quam Deus, secundum verbum Apostoli, evacuavit et stultam fecit¹, absque divinae sapientiae condimento, et quae sine revelatae veritatis lumine in errorem quandoque magis inducunt, quam in veritatis elucidationem: ad tollendam omnem in praemissis errandi occasionem, hac salutari constitutione ordinamus et statuimus, ne quisquam de cetero in sacris ordinibus constitutus, saecularis vel regularis, aut alias ad illos a iure arctatus, in studiis generalibus, vel alibi publice audiendo, philosophiae aut poesis studiis ultra quinquennium post grammaticam et dialecticam, sine aliquo studio theologiae aut iuris pontificii, incumbat. Verum dicto exacto quinquennio, si ex illis studiis insudare voluerit, liberum sit ei, dum tamen simul aut seorsum, aut theologiae, aut sacris canonibus operam navaverit, ut in his sanctis et utilibus professionibus sacerdotes Domini inveniant, unde infectas philosophiae et poesis radices purgare et sanare valeant. Et hos ones per ordinarios locorum, ubi generalia studia vigent, et rectores universitatis eorundem studiorum singulis annis in principio studii, in virtute sanctae obedientiae publicari mandamus. Nulli ergo ... Si quis autem ...

[De pace inter Christianos principes componenda et Bohemos
a fide dissentientes reducendos]

Leo episcopus servus servorum Dei, ad futuram rei memoriam, sacro
approbante concilio. Ad omnipotentis et individuae Trinitatis laudem
35 et gloriam illius, cuius vicem in terris gerimus, et *qui* pacem et *concordiam*
*nutrit in sublimibus*², pacemque ipsam e mundo discedens iure quodam
haereditario suis reliquit discipulis³, sacrum Lateranense concilium prosequentes, cum alias inter cetera in septima proxima praecedenti sessione, etc imminente et notorio infidelium periculo, christianique sanguinis effusioni, qui exigentibus nostris culpis etiam tunc effundebatur, occurreretur; dissensionesque inter Christianos reges et principes et gentes tolle-

a est *add. Mei* b *om. Msi* c ut *Msi*

¹ Cf. 1 Cor 1,19-20. ² 16 25,2. ³ Cf. Io 14,27.

odious heretics and infidels who are undermining the catholic faith. Moreover, we strictly enjoin on each and every philosopher who teaches publicly in the universities or elsewhere, that when they explain or address to their audience the principles or conclusions of philosophers, where these are known to deviate from the true faith — as in the assertion of the soul's mortality or of there being only one soul or of the eternity of the world and other topics of this kind — they are obliged to devote their every effort to clarify for their listeners the truth of the Christian religion, to teach it by convincing arguments, so far as this is possible, and to apply themselves to the full extent of their energies to refuting and disposing of the philosophers' opposing arguments, since all the solutions are available.

But it does not suffice occasionally to clip the roots of the brambles, if the ground is not dug deeply so as to check them beginning again to multiply, and if there are not removed their seeds and root causes from which they grow so easily. That is why, since the prolonged study of human philosophy — which God has made empty and foolish, as the Apostle says¹, when that study lacks the flavouring of divine wisdom and the light of revealed truth — sometimes leads to error rather than to the discovery of the truth, we ordain and rule by this salutary constitution, in order to suppress all occasions of falling into error with respect to the matters referred to above, that from this time onwards none of those in sacred orders, whether religious or seculars or others so committed, when they follow courses in universities or other public institutions, may devote themselves to the study of philosophy or poetry for longer than five years after the study of grammar and dialectic, without their giving some time to the study of theology or pontifical law. Once these five years are past, if someone wishes to sweat over such studies, he may do so only if at the same time, or in some other way, he actively devotes himself to theology or the sacred canons; so that the Lord's priests may find the means, in these holy and useful occupations, for cleansing and healing the infected sources of philosophy and poetry.

We command, in virtue of holy obedience, that these canons are to be published each year, at the beginning of the course, by the local ordinaries and rectors of universities where institutes of general studies flourish. Let nobody therefore ... If anyone however...

[On arranging peace between Christian princes and on bringing back the Bohemians who reject the faith]

Leo, bishop, servant of the servants of God, with the approval of the sacred council, for an everlasting record. We are continuing the sacred Lateran council for the praise of the almighty and undivided Trinity and for the glory of him whose place we represent on earth, *who develops* peace and *harmony in his high heavens*¹, and who, on his departure from this world, left peace as a lawful inheritance to his disciples³. For, in the previous seventh session, the council was confronting, among other matters, the threatening and very obvious danger from the infidels and the spilling of Christian blood, which even then was being poured out because of our blatant faults. The quarrels between Christian kings and princes and peoples must also be removed, and we were being compelled to

¹ See 1 Cor 1, 19-20. ² Job 25, 2. ³ Sec Jn 14,27.

renrur, et inter ipsos totis viribus pacem quaerere cogeremur, cuius componendae una ex principalioribus congregationibus concilii praefati causa extiterat, ut pax ipsa sequeretur, inviolataque perduraret, et debitae execution! demandaretur, hiis praesertim temporibus, quibus potentiam infidelium mirum in modum crevisse cognoscebatur, eodem sacro concilio approbante, ad reges, principes potentatusque praefatos legatos et nuntios pacis vigiles, doctrina, experientia ac probitate insignes, pro tractanda et componenda universali pace mittere disposuimus et decrevimus, utque arma deponant, Domino auxiliante, (quantum in nobis esset) pro viribus laborare et operari, regumque, principum et potentatum praedictorum oratores in ipso concilio tunc praesentes pro apostolicae sedis reverentia, fideliumque unione requisivimus, ut regibus, principibus et potentatibus suis ea significarent, eosque nostro nomine hortarentur ad ipsos legatos apostolicos benigne et honorifice tractandum et audiendum, votisque nostris tam iustis et piis per eos illis exponendis satisfaciendum. Quod eos facturos nobis persuadebamus, ut quanto citius fieri posset, per nos mittendi legationis munus eis impositum alacriter suscipere, susceptumque viriliter implere possent, ac *Patre luminum, (a quo omne datum optimum est)*¹ favente, pax ipsa tractari atque componi eaque composita, sancta et necessaria contra infidelium rabiem christiano sanguine satiari anhelantem expeditio fieri valeret, et pro totius christianitatis securitate et quiete feliciter terminari. Nosque postmodum pro debito pastoralis officii pacem et unitatem ipsam cum universo populo christiano, tum maxime eisdem regibus, principibus et potentatibus, ex intimo cordis affectu optantes, ex quorum dissensione diuturniora et graviora in dies christianae reipublicae damna provenire posse formidabatur, ex eorum auctoritate, pace et unitate eidem reipublicae utiliter et salubriter consultum iri sperabatur, nuntios nostros et literas ad praefatos reges, principes et potentatus inter se dissidentes, hortandos, requirendos, monendosque misimus, nihilque, (quantum in nobis fuit) omisimus tractare ac operari omni nostro conatu, ut semotis quibusvis dissidiis atque discordiis, unanimi tandem consensu, gratia et amore ad universalem pacem, concordiam et unionem redire vellent, ne ulterius per immanissimum Turearum tyrannum ac infideles alios damna christianis inferrentur, sed ad reprimendum genuum illarum immanem furorem elatosque conatus accingerentur. Quae cum ita sint, nos cuncta ad optatum finem perducere omni cogitatione, cura, studio ac sedulitate affectantes, et dante Domino confidentes, legatos de latere nostro sanctae Romanae ecclesiae cardinales in consistorio nostro secreto de fratrum nostrorum consilio per nos postmodum nominandos, cum auctoritate et facultatibus necessariis et opportunis, tanquam angelos pacis², pro huiusmodi Christianorum pace universali tractanda, componenda et conducenda, expeditioneque contra infideles ineunda, eodem sacro concilio approbante, ad eosdem reges, pro eorum regia magnanimitate, et erga catholicam fidem devotione, prompto et alacri animo, ad utrumque sanctissimum opus pacis expedi-

¹ Ici, 17. ² Cf. Is 33,7.

seek with all our strength for peace between them. This was the reason for having to arrange one of the more important meetings of the said council: so that peace should follow and be maintained as unbroken and leading to its due fulfilment, especially in these times when the power of the infidels is recognised to have grown to a remarkable extent. Therefore, with the approval of the same council, we have arranged and decided to send to the aforesaid kings, princes and rulers alert legates and envoys of peace, who are outstanding in learning, experience and goodness, with a view to negotiating and arranging peace. And, in order that these men may lay aside their arms, we have called upon their spokesmen who are present at the council, insofar as we were able to do with God's help, to devote all their energy and strength, out of reverence for the apostolic see and the union of the faithful, to giving notice of these matters to their kings, princes and rulers. These are invited, in our name, to negotiate and listen with good will and honour to the apostolic legates themselves, and to act in favour of our just and holy desires which are to be set before them by these messengers.

We were persuading ourselves that they will do this, in order that our legates may be able to take up the task of the embassy as quickly as possible and manfully complete the undertaking; and so that, by the favour of *the Father of lights (from whom comes every best gift)*, peace can be negotiated and arranged and, once this has been settled, the holy and necessary expedition against the frenzy of the infidels, panting to have their fill of Christian blood, can take place and be brought to a favourable conclusion for the safety and peace of the whole of Christianity. After this we were hoping from the depths of our heart, because of our pastoral office, for peace and union within the whole Christian people and in particular among the same kings, rulers and princes from whose discord it was feared that prolonged and serious damage could daily affect the Christian state. A hope began to rise that the Christian state would be cared for in a useful and salutary way by this peace and unity, because of the authority of these men. We dispatched our messengers and letters to the aforesaid kings, princes and rulers — at that time in disunion with each other — for them to be exhorted, requested and warned. We omitted nothing (so far as lay in our power) to arrange and produce by our every effort that, once discord and disagreement of any kind had been removed, they would wish eventually to return, in complete agreement, grace and love, to universal peace, harmony and union. In this way, further losses would not be inflicted on Christians from the hands of the savage ruler of the Turks or from other infidels, but there would be a rallying of forces to crush the terrible fury and the boastful endeavours of those peoples.

In that situation, as we strive with all thought, care, effort and zeal for everything to be brought to the desired end, and with confidence in the gift of God, we have decreed that legates with a special mission from us — who will be cardinals of the holy Roman church and who are soon to be named by us, on the advice of our brothers, in our secret consistory — shall be appointed and sent with authority and with the necessary and appropriate faculties, as messengers of peace², for the arranging, negotiating and settling of this universal peace among Christians, for the embarking upon an expedition against the infidels, with the approval of this sacred council, and for inducing the said kings, out of generosity of soul befitting their rank and out of devotion towards the catholic

¹ Jas 1, 17. ² See Is 33, 7.

tionisque inducendos, pro universae reipublicae christianae integra atque
 pertecta tutela, defensione et salute mittendos et destinandos esse decer-
 nimus. Praeterea cum ex diuturna et multiplici haeresi Bohemorum pluri-
 mum Deus offendatur, et christianus populus scandalizetur, quorum
 s etiam ad verae fidei lumen atque concordiam reducendorum provincia
 dilecto filio nostro Thomae tituli sancti Martini in Montibus presbytero
 cardinali Strigoniensi ad Hungariam et Bohemiam nostro et apostolicae
 sedis legato est a nobis his proximis diebus plene demandata, eosdem
 tamen hortamur in Domino, ut vel ad nos et hoc sacrum Lateranense
 io concilium, vel ad eundem Thomam cardinalem legatum, qui propin-
 quior illis erit, aliquot ex suis oratores cum sufficienti mandato destinare
 non negligant, ad tractandum de opportuno remedio, quo errores, quibus
 diu detinentur, agnoscant, et ad verum religionis cultum et sanctae matris
 ecclesiae gremium Deo duce reducantur. Quibus, hoc sacro approbante
 is concilio, veniendi, eundi, standi, quousque praemissa tractanda dura-
 verint, et postmodum discedendi, et ad propria redeundi, in fide ponti-
 ficia liberum salvumconductum et fidem publicam tenore praesentium
 concedimus et elargimur, eorumque votis, quantum cum Deo poterimus,
 annuemus. Ut autem hoc sacrum Lateranense concilium ad finem uberri-
 20 mae sperataeque utilitatis perducatur, alia namque plura et gravia in eo
 tractanda discutiendaque remaneant ad omnipotentis Dei laudem et
 ecclesiae suae exaltationem, nonam sessionem continuationis celebrationis
 ipsius sacri concilii Lateranensis nono aprilis millesimo quingentesimo
 quartodecimo, pontificatus nostri anno primo, quae erit quarta feria post
 25 dominicam passionis, sacro concilio approbante, indicimus. Nulli ergo ...
 Si quis autem ...

[Bulla super reformatione]

Leo episcopus servus servorum Dei, ad perpetuam rei memoriam, sacro
 approbante concilio. In apostolici culminis specula divinae gratiae munere
 30 collocati, nihil magis esse nostri officii duximus, quam sedulo ac diligenter
 omnia circumspicere, quae ad catholici nobis commissi gregis custodiam,
 incolumitatem, augmentum pertinere possent; et in hoc ipsum omnes
 industriae nervos, omnes animi ingeniique vires contulimus. Cum igitur
 felicitis recordationis Iulius papa II praedecessor noster, ut erat fidelium
 35 commodi sollicitus, et tutelae studiosus, tum aliis multis de causis, tum
 quia frequens circa Romanae curiae officiales querimonia urgebat, oecu-
 menicum Lateranense concilium indixisset, et deputatis variis venera-
 bilium fratrum suorum sanctae Romanae ecclesiae cardinalium, de quo-
 rum numero tunc eramus et praelatorum insuper congregationibus, qui
 «0 de querelis ipsis accurate inquirerent, et ne curiales interim et alii ad
 curiam pro gratiis accedentes nimio expensarum onere fatigarentur, simul
 ut infamia, qua dicti officiales flagrabant, mitigaretur celeri remedio,
 bullam reformationis edidisset, qua illi officiorum statutis custodiendis
 sub gravi poena denuo astringebantur, nec circa excessus specialiter
 45 decernere, aut concilium absolvere, morte praeventus quisivisset*. Nos
 » quivisset *Msi*

faith, to move with ready and eager minds towards the holy tasks of both peace and the expedition, for the total and perfect protection, defence and safety of the entire Christian state.

In addition, since very great offence is given to God from the prolonged and manifold heresy of the Bohemians, and scandal is caused to the Christian people, the charge of bringing back these people to the light and harmony of the true faith has been wholly entrusted by us for the immediate future to our dear son, Thomas of Esztergom, cardinal-priest of the title of St Martin in the Hills, as legate of ourself and the apostolic see to Hungary and Bohemia. We exhort these people in the Lord not to neglect to dispatch some of their spokesmen, with an adequate mandate, either to us and this sacred Lateran council or to the same Thomas, cardinal-legate, who will be nearer to them. The purpose will be to exchange views with regard to an appropriate remedy by which they may recognise the errors to which they have long been in thrall and may be led back, with God's guidance, to the true practice of religion and into the bosom of holy mother church. With the approval of the sacred council, by the tenor of the present letter, we grant and bestow on them, by the faith of a pontiff, a public guarantee and a free safe-conduct as to their coming, going, remaining for as long as the negotiation of the aforesaid matters shall last, and afterwards for departing and returning to their own territories; and we shall consent to their wishes so far as we can under God.

So that this sacred Lateran council may be brought to the completion of the fruitful benefit desired, since many other serious subjects remain to be discussed and debated for the praise of God and the triumph of his church, we declare, with the approval of the sacred council, that the ninth session of the continuing celebration of this sacred Lateran council shall be held on 5 April 1514, in the first year of our pontificate, which will be Wednesday after Passion Sunday. Let nobody therefore ... If anyone however...

[Bull on reform]

Leo, bishop, servant of the servants of God, with the approval of the sacred council, for an everlasting record. Placed by the gift of divine grace at the supreme point of the apostolic hierarchy, we thought nothing was more in keeping with our official duty than to survey, with zeal and care, everything which could pertain to the protection, soundness and extension of the catholic flock entrusted to us. To this purpose we have applied all the force of our activity and the strength of our mind and talent. Our predecessor of happy memory, pope Julius II, since he was concerned about the well-being of the faithful and anxious to protect it, had summoned the ecumenical Lateran council for many other reasons indeed, but also because a constant complaint was being pressed concerning the officials of the Roman curia. For these reasons there were appointed a number of committees composed of his venerable brothers, the cardinals of the holy Roman church, of whose number we were then, and also of prelates, to investigate carefully into these complaints. In order that those attached to the curia and others approaching it for favours would not in the meantime be tormented by the excessive burden of expenses and that, at the same time, the ill-repute by which the said officials were deeply disturbed might be appeased by a speedy remedy, he issued a bull of reform by which they were bound anew, under a heavy penalty, to keep the legal terms of their offices.

eius non minus curae, quam officii successores, initio statim nostri pontificatus et continuare synodum, et pacem inter christianos principes procurare, nec minus, cum universalem reformationem perficere nostrae mentis sit, primum a praedecessore ipso super officiis provisa novis fulcire subsidiis, et auctis deputationibus exequi non destitimus. Enimvero s nulla vehementior cura nos angit, quam ut tribuli et sentes ex dominico agro eruantur, et si quid est, quod eius culturae officiat, radicitus evellatur atque extirpetur. Sedula ergo a deputatis relatione habita, et quid a quibusl exorbitaretur animadverso, ut quaeque vel a decenti et laudabili more, vel a primaeva institutione desciverant, ad normam retraximus, et io ea in unam reformationis bullam, sacro approbante concilio, super hoc editaml, ex ordine conghessimus, in eaque exeeutores, qui ordinata servari cogerent, deputavimus: quam ab officialibus ipsis et ceteris, ut quemque tanget, sine fraude et inviolabiliter observari, hoc sacro approbante concilio, mandamus sub poena excommunicationis latae sententiae, a qua, is nisi per Romanum pontificem, (excepto mortis articulo) absolvi non possint, ita ut ultra hanc et alias poenas in bulla ipsa particulariter expressas, contravenientes officio, in quo deliquerint, ad semestre tempus sint eo ipso suspensi. Et si secundo erraverint in eodem officio, quod 20 quantum in se fuit coinquinaverint, perpetuo careant. Qui postquam constitutione nostra ad frugem reducti erunt, inhibito atque sublato communi damno, ad ceteras reformationis partes procedemus. Et si nobis Omnipotens pro sua misericordia concesserit, ut pacem inter christianos principes componamus, non noxiis solum seminibus extirpandis, sed et propagandis Christi finibus insistemus, ac sanctissimam contra infideles 25 expeditionem cuius desiderium assidue nostro cordi inhaeret, Deo ipso rei suae favente, eorumdem fulti praesidiis aggrediemur. Nulli ergo . . . Si quis autem . . .

SESSIO IX

5 maii 1514

[Pontifex hortatur principes christianos ad pacem inter eos componendam, ut fieri possit expeditio contra fidei christianae hostes] 30

Leo episcopus servus servorum Dei, ad perpetuam rei memoriam, sacro approbante concilio. Postquam ad universalis ecclesiae curam et regimen, licet tanto oneri impares, divina dispensatione vocati fuimus, ex summo statim apostolatus apice, tamquam ex vertice montis Sion, ea prospicere ac animo volvere coepimus, quae ad salutem, tranquillitatem ac propa- 35 gationem ipsius ecclesiae pertinere in primis videbantur. Cumque in hanc rem omnem nostram curam, cogitationem ac studium more solertis

» quidquid *Msi*

l Haec bulla *Pastoralis officii* edita est die 13 dec. 1513, sed numquam patrum concilii suffragiis subiecta est; cf. BR 5, 571-601; *Regesta Leonis X*, ed. J. Hergenroether, Friburgi Br. 1884-1887, n. 5736; H. Jedin, *Geschichte des K. 9. T.*, I105.

Because death intervened, he was unable to legislate in particular about the excesses or to complete the council.

We, as the successor of the concern no less than of the office, right at the beginning of our pontificate, did not delay to resume the synod, to promote peace between Christian princes and no less, since it is our intention to complete a universal reform, to strengthen by new aids what was first provided by our predecessor concerning the curial offices, and to follow this through with the expanded committees. For no more pressing anxiety weighs on us than that the thorns and brambles be pulled up from the Lord's field; and if there is anything hindering its cultivation, it is to be removed root and branch. Therefore, after a careful report had been received from the committees, with notice of what was being side-tracked by which persons, we restored to the norm whatever had deviated either from a sound and praiseworthy custom or from a long-standing institution. We gathered these together into one bull of reform published on this matter with the approval of the sacred council¹; and we appointed to execute it those who would insist on the decisions being kept. With the approval of this sacred council, we order this to be observed without alteration and without deceit by the officials themselves as well as by others, according as it affects each, under penalty of immediate excommunication from which they can only be absolved by the Roman pontiff (except in immediate danger of death), in such a way that, in addition to this and other penalties stated in detail in the bull, those acting against it are automatically suspended for six months from the office in which they committed the fault. And if they have failed for a second time in the same office, they are deprived forever because they have contaminated the office itself. After they have been brought back to good conduct by means of our constitution, and the general damage has been checked and removed, we shall proceed to the remaining stages of the reform.

If the Almighty in his mercy allows us to settle peace among the Christian leaders, we shall press on not only to destroy completely the bad seeds, but also to expand the territories of Christ; and, supported by these achievements, we shall go forward, with God favouring his own purposes, to the most holy expedition against the infidels, the desire for which is deeply fixed in our heart. Let nobody therefore ... If anyone however...

SESSION 9

5 May 1514

[The pope urges Christian rulers to make peace among themselves so that an expedition against the enemies of the Christian faith may be possible]

Leo, bishop, servant of the servants of God, with the approval of the sacred council, for an everlasting record. After we had been called by divine dispensation to the care and rule of the universal church, even though we are unworthy of so great a responsibility, we began from the highest point of the apostolate, as from the top of Mount Sion, to turn our immediate gaze and direct our mind to the things that seem to be of primary importance for the salvation, peace and extension of the church itself. When we focused all our care, thought and zeal in

¹ This bull *Pastoralis officii* was published on 13 Dec. 1513, but it was never submitted to a vote of the fathers; see BR 5, 571-601; *Regesta Leonis X*, ed. J. Hergenroether, Freiburg in Breisgau, 1884-1887, no. 5736; H. Jedin, *Geschichte des K. von T.*, I 105 (1 *History of the Council of Trent*, trans. E. Graf, I London 1957, 131).

vigilisque pastoris converteremus, nihil gravius aut christianae reipublicae perniciosius, et pio nostro desiderio magis adversum bellorum effera rabie competimus, quae usque adeo armis grassata est, ut vastata pene mutuis cladibus Italia, deformatisque ac partim eversis, aequatis partim solo civitatibus et terris, concussis provinciis et regnis, in Christianum sanguinem furere ac debacchari non desinant. Nihil itaque prius, nihil studiosius, aut magis ex animo curandum duximus, quam ea bella sedare, eclesiasticamque disciplinam pro viribus ac temporum ratione componere, ut placato per vitae emendationem Deo, dominicum gregem nostrae fidei commissum, compositis dissidiis, in unum cogere et aggregare, unanimemque ac pacis et concordiae vinculo tamquam firmissimo glutino unitum, adversus communes hostes fidei christianis cervicibus imminentes facilius adhortari ac concitare possimus. Cuius quidem expeditionis in impios et crucis Christi implacabiles inimicos, hoc vehemens nostrum desiderium ita cordi nostro infixum est, ut sacrum Lateranense concilium a felicis recordationis Iulio II praedecessore nostro indictum ac inchoatum, eiusque obitu intermissum, ea praecipue causa continuare et prosequi decrevimus, ut in diversis sessionibus in eodem sacro concilio per nos habitis omnibus patet, ut christianis principibus, seu eorum oratoribus in eo concilio congregatis, praelatisque ex diversis mundi partibus eo venientibus, pace inter ipsos Christianos principes composita, extirpatisque (ut par est) primo ex Domini agro pestiferis haeresum sentibus, ea quae ad ipsam expeditionem contra eosdem hostes necessaria, ac ad gloriam et exaltationem orthodoxae fidei, aliarumve rerum consultationem pertinent, maturo consilio omniumque assensu decerni feliciter possent. Ad quod quidem concilium solemniter indictum, riteque denuntiatum, etsi multi ex diversis Europae partibus praeclari et in omni scientia praestantes viri convenerint, multi etiam legitime impediti mandata in publica forma miserint non tamen bellorum ac temporum difficultatibus, quibus loca plurima iam diu hostilibus armis obsessa fuerunt, ea quam desiderabamus copia et multitudo convenire potuit. Nihil est praeterea quod nobis adseribi possit, si hactenus (quod forsitan multis necessarium videtur) et nos opportunum prae ceteris putamus legatos de latere ad reges et principes pro concordia eorundem principum et pace non misimus. Hac sane causa id facere destitimus. Principes enim fere omnes suis ad nos literis ac nuntiis, legatos mitti, minime expedire aut necessarium esse significarunt. Circumspectos nihilo minus ac probatae fidei viros nuntios nostros, etiam episcopali dignitate praeditos, ad eos ipsos principes graviora inter se armis, ac, quantum coniici poterat, asperiora bella molientes ultro misimus. Quorum praecipue opera effectum est, ut pactis iam inter quosdam principes induciis, ceteri eas brevi approbaturi esse credantur. Quare legatos, uti proxima sessione decrevimus, ubi opus et expediens fuerit, pro stabili ac perpetua pace inter eos componenda, ac uti antea proposuimus, mittere non postponemus. Neque interim cum eorundem principum oratoribus apud nos agentibus, quae ad rem huiusmodi pertinent, agere et meditari neque ipsos et principes per nostros nuntios et literas ad id urgere et admonere cessabimus. Quin etiam ut nostra pacis

this direction, like an experienced and watchful shepherd, we found nothing more serious or dangerous to the Christian state and more opposed to our holy desire than the fierce madness of armed conflicts. For, as a result of them, Italy has been almost wiped out by internecine slaughter, cities and territories have been disfigured, partly overturned and partly levelled, provinces and kingdoms have been stricken, and people cease not to act with madness and to welter in Christian blood. Hence we have judged that nothing should be given more importance, consideration and attention than the quelling of these wars and the re-ordering of ecclesiastical discipline in accordance with resources and circumstances, so that with God appeased by a change of life, after quarrels have been set aside, we may be able to bring together and gather into one the Lord's flock entrusted to our care, and to encourage and arouse this flock more readily, in a union of peace and harmony, as by a very strong binding force, against the common enemies of the Christian faith who are now threatening it.

This our intense desire for this campaign against the evil and implacable enemies of the cross of Christ is indeed so implanted in our heart that we determined to continue and follow up the sacred Lateran council — which was summoned and begun by our predecessor of happy memory, Julius II, and interrupted by his death — for that special reason, as is clear from all the different sessions held by us in the same council. Thus, with the Christian princes or their spokesmen assembled at the same council, and prelates from different parts of the world coming to it, once peace between these Christian princes had been settled and (as is right) the noxious brambles of heresies had been first uprooted from the Lord's field, then the things necessary for the campaign against the same enemies, and what concerns the glory and triumph of the orthodox faith, and various other matters, could be happily decided upon by the timely advice and agreement of all.

Although many distinguished men, outstanding in every branch of learning, came from different parts of Europe to this council, which had been solemnly summoned and duly proclaimed, many also, legitimately hindered, sent their instructions in official form. However, because of the difficulties from wars and circumstances as a result of which many territories have been blocked by hostile arms for a long time, the resources and large numbers which we desired could not be assembled. Moreover, that we have not as yet sent the specially appointed legates to kings and princes to promote union and peace between the same rulers — something that perhaps seems necessary to many and that we too think is especially opportune — cannot be attributed to us. The reason, of course, why we refrained from doing so is this: nearly all the princes made it known by letters and messages to us, that the sending of legates was not at all necessary or expedient. Nevertheless, we sent men of discretion and proved loyalty, endowed with the rank of bishop, as our envoys to those very princes who were undertaking serious armed activity among themselves and, as far as could be guessed, rather bitter wars. It has come about, especially by the action of these envoys, that truces have been agreed between some of the princes and the rest are thought to be on the point of giving their consent. Therefore we shall not put off sending the special legates, as we decided in the last session, whenever this is necessary and profitable for the setting up of a stable and lasting peace among them, and as we previously proposed. In the meantime, we shall not cease to act and reflect on what is relevant to the situation, with the spokesmen of the same princes who are negotiating with us, and to press on and exhort them and their princes to this action by means of our envoys and letters.

consilia et iuges cogitatus omnipotens et misericors Deus promoveat ex alto, ac fidelem plebem aequis ac propitiis magis oculis aspiciat, et pro communi salute ac pace, compescendaque nefariorum christiani nominis hostium superba rabie, eius piis annuat precibus: universis et singulis primatibus, patriarchis, archiepiscopis, episcopis, nec non ecclesiarum, s tam cathedralium quam collegiatarum, tamque saecularium quam quorumvis ordinum regularium capitulis, collegiis, conventibus, plebanis, decanis, ecclesiarum rectoribus, ceterisque animarum curam habentibus, praedicatoribus, quaestoribus, ac verbum Dei ad populum pronuntiantibus, auctoritate apostolica iniungimus, et in virtute sanctae obedientiae' io mandamus, quatenus intra missarum solemnias, et dum inter aut extra illa verbum Dei ad populum proponetur, ac in eorum orationibus, quas capitulariter et conventualiter, aut alias in quibuscumque congregationibus facient respective pro pace Christianorum et infidelium confusione, has collectas habeant speciales; videlicet, *Deus a quo sancta desideria*: et, is *Deus in cuius manu sunt omnes potestates et omnia iura regnorum, respice in auxilium cbrisiianorum*. Et nihilominus suis dioecesanis, et aliis quibuscumque personis utriusque sexus, tam ecclesiasticis quam saecularibus, quibus ratione praelaturae et alterius cuiuscumque superioritatis ecclesiasticae praesidebunt, iniungant, ac in Domino eos hortentur, quibus Dei 20 verbum sua aut alterius auctoritate proponetur, ut privarim pro pace (ut praemittitur) Christianorum, et infidelium exterminatione, ad Deum ipsum ac gloriosissimam eius Matrem in oratione dominica et in angelica salutatione pias preces effundant. Et insuper quicumque ex supradictis apud principes saeculares cuiuscumque gradus, praeeminendae vel 25 dignitatis existant, aut etiam consiliarios, familiares, domesticos et officarios eorum, nec non apud civitatum, oppidorum, vel universitatum, quorumcumque saecularium magistratus, rectores, locumtenentes, aut alias utriusque sexus personas, ecclesiasticas vel saeculares, quas ad pacem universalem aut particularem inter principes, potentatus et christianos 30 populos, nec non ad expeditionem contra infideles persuadendam, auctoritate et gratia valere putaverint, illos ad huiusmodi pacem et expeditionem hortentur et inducant. Quos omnes *per viscera misericordiae Dei nostril*, et per meritum passionis unigeniti eius filii Iesu Christi, quam maximo possumus cordis affectu in Domino hortamur, ac pro pastoralis 35 officii qua fungimur auctoritate monemus, ut depositis privatis simultatibus, apertisque inimiciis, ad pads studia amplectenda, et ad expeditionem praedictam decernendam se convertant. Proptereaque omnibus et singulis praelatis, principibus et personis, tam saecularibus quam ecclesiasticis, cuiuscumque status, gradus, dignitatis et praeeminendae aut con- 40 ditionis existant, sub interminatione divini iudicii districtius inhibemus, ne dictae paci per nos aut nostros, seu sedis apostolicae legatos vel nuntios, et episcopali dignitate praeditos (ut praefertur) pro chrisrianae rei-publicae defensione et fidelium salute tractandae aliquod impedimentum directe vel indirecte, palam aut occulte interponere quoquo modo prae- *5

1 Lc 1,78.

Oh that the almighty and merciful God would assist from on high our plans for peace and our constant thoughts, would regard the faithful people with more benevolent and favourable eyes and, for the sake of common safety and peace and for the suppression of the haughty madness of the wicked enemies of the Christian name, would give a propitious hearing to their devout prayers! By our apostolic authority, we enjoin on each and every primate, patriarch and archbishop, on chapters of cathedral and collegiate churches, both secular and those belonging to any of the religious orders, on colleges and convents, on leaders of peoples, deans, rectors of churches and others who have charge of souls, and on preachers, alms-collectors and those who expound the word of God to the people, and we order in virtue of holy obedience, that within the celebration of masses, during the time that the word of God is being set before the people or outside that time, and in prayers which they will say in chapter or as convents, or at some other time in any kind of gathering, they are to keep the following special collects for the peace of Christians and for the confounding of the infidels respectively: *O God, from whom holy desires*, and, *O God, in whose hands are all power and authority over kingdoms, look to the help of Christians*. And they are no less to enjoin on members of their dioceses and on any other persons of either sex, whether ecclesiastical or secular, over whom they have authority by reason of a prelature or any other ecclesiastical position of authority, and to encourage in the Lord those to whom God's word is proposed on their own or another's responsibility, that they should pour forth in private devout prayers to God himself and to his most glorious mother, in the Lord's prayer and the Hail Mary, for the peace of Christians (as mentioned above) and for the complete destruction of the infidels.

Further, whoever of those mentioned above think that, by influence or favour with secular princes of any rank, distinction or dignity, or with their advisers, associates, attendants or officials, or with the magistrates, rectors and lieutenants of cities, towns, universities or any secular institutions, or with other persons of either sex, ecclesiastical or secular, they can take steps towards a universal or particular peace between princes, rulers and Christian peoples, and towards the campaign against the infidels, let them use strong encouragement and lead them on to this peace and the campaign. *By the tender mercy of our God*¹ and the merit of the passion of his only-begotten Son, Jesus Christ, we exhort all of them with all possible emotion of our heart, and we counsel them by the authority of the pastoral office which we exercise, to lay aside private and public enmities and to turn to embracing the endeavour for peace and deciding on the aforesaid campaign.

We strictly forbid each and every prelate, prince or individual, whether ecclesiastical or secular, of whatever state, rank, dignity, pre-eminence or condition they may be, under threat of the divine judgment, to presume to introduce in any way, directly or indirectly, openly or secretly, any obstacle to the said peace which is to be negotiated by us or by our agents, whether legates or envoys of the apostolic see endowed (as said before) with the episcopal rank, for the

¹ Lk 1, 78.

sumant. Sed qui in pace conficienda privatum aut publicum suorum principum suarumve civitatum aut rerumpublicarum, quorum quarumve ad eos ratione officii vel publici alicuius muneris cura spectabit, interesse praetendant, illud quoad modestius tranquilhusve poterunt, prosequen-

5 tis pacis nihilo minus partes et studia, quantum in Domino poterunt, amplectantur. Quin etiam ad dictam pacem et expeditionem contra dictos christianae fidei hostes procurandam, et ab ipso Deo impetrandam, volentes spiritualibus donis Christi fideles animare, omnibus vere confessis et contritis, qui pro ipsa obtinenda pace ac decernenda expeditione in missis,

10 praedicationibus, et aliis divinis officiis, aut in collegialibus, conventualibus, aliisve publicis aut communibus orationibus devote ad Deum preces effundant, aut apud principes, consiliarios, officarios, rectores, vel alias personas supradictas, quae ad pacem faciendam vel tractandam, et expeditionem in hostes invictae crucis (ut praemittitur) decernendam,

is aliquam auctoritatem habere videbuntur, diligentem ac solertem operam adhibebunt, quoties id fecerint. Qui vero privarim ac particulariter pro praemissis a Deo consequendis devotas effuderint preces, septies in die, si toties id fecerint, aut si minus, quoties id fecerint, donec pax universalis, quae per nos assidue tractatur, inter principes et populos impraesentiarum armis dissidentes, confecta sit, et expeditio contra infideles nostris auspiciis decreta, de omnipotentis Dei misericordia, ac de beatorum eius apostolorum Petri et Pauli auctoritate confisi, centum dies de iniunctis eis poenitentiis relaxamus. Mandantes propterea venerabilibus fratribus primatibus, patriarchis, archiepiscopis et episcopis, ad quos

25 praesentes seu earum exempla sub sigillis authenticis, vel in Urbe, aut alibi fideliter impressa pervenerint, quatenus illas per suas provincias et dioeceses, quanto citius poterunt, faciant publicari, ac debitae executioni demandari. Ceterum, quod proposuimus et toto corde concupivimus, reformationem interim ecclesiasticam tam curiae nostrae, quam etiam

μ venerabilium fratrum nostrorum sanctae Romanae ecclesiae cardinalium, et aliorum in Urbe commorantium, et alia complura necessaria, sacro approbante concilio decrevimus, quae aliis nostris litteris in hac eadem sessione publicandis continebuntur. Et licet idem Iulius praedecessor noster ad huiusmodi concilium omnes qui adesse consuevere, convocaverit, et ut tute ac secure venire et accedere possent, eis amplum salvum-

35 conductum dederit: quia tamen hactenus ob praedicta forsitan impedimenta complures praelati, qui venire deberent, adhuc non venerunt, cupientes nos ad graviora in futura proxima sessione procedere, denuo ipsos ac reges, duces, marchiones, comites et alios ad concilia generalia

«0 venire aut mittere assuetos, qui hactenus oratores vel mandata legitima non dederint, in Domino hortamur, ac per eiusdem misericordiae visceralis rogamus et monemus, ut quamprimum poterunt, vel ipsi personaliter accedere, vel speciales et idoneos nuntios cum legitimis mandatis ad hoc sacrum et christianae reipublicae perutile futurum Lateranense concilium

45 mittere velint. Venerabilibus autem fratribus patriarchis, archiepiscopis,

1 Cf. IX 1,78.

defence of the Christian state and the safety of the faithful. Those who, in working towards this peace, think that there is involved something of a private or a public nature that is of importance to their princes, cities or states, the care for whom or which pertains to them because of some office or public function, should, as far as it will be possible in the Lord, with due moderation and calm, take control of the matter inasmuch as it involves support and goodwill towards the coming peace. Indeed, those who wish to rouse the faithful by Christ's spiritual gifts, when these are duly contrite and absolved, and to pour out devout prayers for obtaining peace and for deciding on the expedition, so that the said peace and the campaign against the said enemies of the Christian faith may be brought about and be secured from God himself, will devote worthwhile and well-considered efforts as often as they do this. These prayers, offered with devotion, should take place in masses, sermons and other divine services, in collegial, conventual and other public or communal prayers, and among princes, advisers, officials, governors and other persons named above who seem to have some influence in making or arranging the peace and in deciding (as said before) on the campaign against the enemies of the unconquered cross.

Trusting in the mercy of God and the authority of his blessed apostles Peter and Paul, we grant remission of one hundred days of imposed penances to those who, individually and in private, offer prayers to obtain the foregoing from God; seven times each day if they do it so often or, if fewer, as often as they shall do it; until the universal peace — which is receiving our constant attention — between princes and peoples at present in armed dispute has been established, and the campaign against the infidels has been decreed with our approval. We lay an obligation on our venerable brothers, primates, patriarchs, archbishops and bishops, to whom the present letter or copies of it, accurately printed either in Rome or elsewhere, shall come under official seals, to have it published with all possible speed in their provinces and dioceses, and to give firm instructions for its due execution.

In the meantime, with the approval of the sacred council, we have decreed, as we proposed and desired with all our heart, the ecclesiastical reform of our curia and of our venerable brothers, the cardinals of the holy Roman church, and of others dwelling in Rome, and many other necessary things, which will be contained in our other letters due for publication in this same session. It was Julius, our predecessor, who summoned to this council all those who were accustomed to attend councils. He gave them a comprehensive safe-conduct so that they could make the journey and arrive safely and unharmed. However, many prelates who ought to have come have so far not arrived, perhaps because of the obstacles already stated. In our desire to go ahead with the more serious business due in the next session, we appeal to in the Lord, and we ask and counsel by the tender mercy of the same, prelates, kings, dukes, marquises, counts and others who usually come or send someone to a general council, but who have not yet provided spokesmen or legitimate instructions, to decide with all possible speed either to come in person or to send chosen and competent envoys, with valid instructions, to this sacred Lateran council which is so beneficial to the Christian state.

With regard to those venerable brethren, patriarchs, archbishops, bishops,

¹ See Lk 1, 78.

episcopis, abbatibus, praelatis, praesertim sub vinculo iurisiurandi, ad visitandum certis statutisque temporibus limina apostolorum Petri et Pauli, et ad generalia concilia indicta personaliter accedendum, etiam tempore suae promotionis adstrictis, quorum non comparentium contumacia in diversis sessionibus per promotorem dicti concilii saepius accusata extitit, et contra eosdem petitum procedi, et de incursu censurarum et poenarum protestatum solemniter reperitur, non obstantibus quibuscumque privilegiis, concessionibus et induitis eis, eorumque ecclesiis, monasteriis et beneficiis per dictos praedecessores nostros aut nos concessis, confirmatis et innovatis: quae habentes pro expressis, ex certa scientia et plenitudine potestatis cassamus, irritamus et annullamus, in virtute sanctae obedientiae iniungimus, ac sub excommunicationis et periurii, aliisque de iure vel consuetudine, et praesertim in literis indictionis et publicationis dicti concilii Lateranensis per ipsum Iulium praedecessorem nostrum specialiter indictis, aut aliis non accedentibus ad concilium rite indictum »1· enis, districtius mandamus, ut ad dictum concilium Lateranense accedere personaliter, et usquequo conclusum et auctoritate nostra absolutum fuerit, in Urbe morari debeant, nisi aliqua legitima causa impediti fuerint. Et si (ut praefertur) modo fuerint impediti, procuratores suos speciales cum pleno mandato ad ea quae tractanda, agenda et deliberanda erunt, idoneos mittant. Et ut omnis prorsus excusatio tollatur, neve cuiquam venire debenti praetextus aliquis cuiuscumque impedimenti relinquatur, praeter publicam fidem, quam in indictione huius concilii omnibus ad id venientibus liquet esse concessam, hoc eodem approbante concilio, omnibus et singulis in congregationibus conciliorum generalium adesse solitis, et ad ipsum Lateranense concilium venientibus, eorumque domesticis familiaribus, cuiuscumque status, gradus, ordinis et conditionis vel nobilitatis existant, ecclesiasticis et saecularibus pro se et bonis suis quibuscumque per civitates, terras et loca tam maritima quam terrestria, dictae Romanae ecclesiae subiecta, ad concilium Lateranense ad Urbem veniendi, et in ea libere commorandi, et pro animi sententia consulendi, et ab ea quoties videbitur recedendi, et post quatuor menses a dicti concilii conclusione et dissolutione liberum, tutum et securum salvumconductum, ac plenam et omnimodam securitatem auctoritate apostolica tenore praesentium, de consilio et potestate praedictis, damus et concedimus et impartimur, aliosque salvosconductus et securitates habere cupientibus dare libere pollicemur: quos omnes et singulos benigne et caritative tractabimus et suscipiemus. Mandantes omnibus et singulis principibus saecularibus, quantumcumque grandi dignitate, edam imperiali, regali, reginali, ducali, aut alia quacumque fulgentibus, et civitatum rectoribus, ac civibus eorum rempublicam gubernantibus et regentibus, ut praelatis et aliis ad dictum concilium Lateranense venientibus, sub divinae maiestatis et indignationis nostrae incursu, et poenis contra impediens conciliorum celebrationem, et praesertim dicti Lateranensis concilii, in iure, sive literis prefatae indictionis per praedecessorem nostrum contentis et apposis liberam licentiam et facultatem, salvumque conductum veniendi et redeundi, et per

abbots and prelates— especially those bound under oath to visit the place of the apostles Peter and Paul at certain fixed times, and to attend in person general councils which have been summoned, including those under that obligation at the time of their promotion — whose obstinacy as being non-attenders at various sessions became a matter of frequent accusation by the sponsor of the same council, there is to be found in solemn form both a petition for proceedings against them and a statement of the censures and penalties incurred. This is notwithstanding any privileges, concessions and induits that were granted, confirmed or renewed by us or our said predecessors in favour of them and their churches, monasteries and benefices. These we annul and invalidate through our certain knowledge and fullness of power, considering them to be fully stated here. We impose in virtue of holy obedience, and we strictly command under the penalties of excommunication and perjury and others derived from law or custom, and in particular from the letter which summoned and proclaimed the said Lateran council and was promulgated by our predecessor, Julius himself, that they must attend in person the said Lateran council and remain in Rome until it has reached its conclusion and been terminated by our authority, unless they are prevented by some legitimate excuse. And if (as we said) they have somehow been prevented, they are to send their suitably qualified representatives with a full mandate on the matters that will have to be treated, dealt with and advised upon.

In order to remove completely all excuse and leave no pretext of any impediment to anyone who is obliged to attend, in addition to the public guarantee which was clearly granted at the summoning of this council to all coming to it, we give, concede and grant, acting on the advice and power mentioned above, with the same council's approval, to each and all who have been accustomed to be present at the meetings of general councils and are coming to the present Lateran council, as well as to members of their personal staff, of whatever status, rank, order and condition or nobility they may be, ecclesiastical and secular, a free, safe and secure safe-conduct and, by apostolic authority in the meaning of the present letter, full protection in all its aspects, for themselves and for all their possessions of any kind as they pass through cities, territories and places, by sea and land, which are subject to the said Roman church, for the journey to the Lateran council in Rome, for remaining in the city of freedom, for exchanging views according to their opinions, for departing therefrom as often as they may wish and also after four months from the conclusion and dispersal of the said council; and we promise to give readily other safe-conducts and guarantees to those desiring to have them. Each and all of these visitors we shall deal with and welcome with kindness and charity.

Under the threat of the divine majesty and of our displeasure, and of the penalties against those impeding the holding of councils, particularly the said Lateran council, which are contained and set down in law or in the letter of the aforesaid summons of our predecessor, we are instructing each and all secular princes, of whatever exalted rank they may be, including imperial, royal, queenly, ducal or any other, the governors of cities, and citizens governing or ruling their states, to grant to the prelates and others coming to the said Lateran council a free permission and licence, a safe-conduct for coming and returning, and a

eorum dominia, terras et loca, per quae ipsos transitum facere oporteat, cum eorum rebus et bonis ac equis, liberum transitum et innoxium concedant, omnibus prorsus exceptionibus sive excusationibus semotis accessantibus. Mandamus insuper et iniungimus sub indignationis nostrae
 5 et aliis arbitrio nostro infligendis poenis, omnibus et singulis gentibus nostris armigeris, tam pedestribus quam equestribus, eorumque ducibus et ductoribus, ac etiam arcium nostrarum castellanis, civitatumque et locorum dictae Romanae ecclesiae sublectorum legatis, gubernatoribus, rectoribus, locum tenentibus, potestatibus, officialibus et vassallis, ut
 10 quibusvis constitutionibus, ordinationibus apostolicis, legibus imperialibus, statutisque et consuetudinibus municipalibus, etiam iuramento et confirmatione apostolica, aut quavis alia firmitate roboratis non obstantibus, quae salvoconductui et securitati praemissis in aliquo derogare, seu illa quoquo modo impedire possent, etiam si talia forent, de quibus
 u specialis et specifica, expressa et individua, non autem per generales clausulas id importantes mentio seu quaevis alia expressio habenda foret, illorum omnium tenores praesentibus, ac si de verbo ad verbum insererentur, pro expressis habentes, et aliis quibuscumque, cuiuscumque gradus, status, conditionis et praeeminendae fuerint, ut ipsos venientes ad con-
 20 cilium Lateranense libere, tute et secure transire, morari et recedere permittant et permitti faciant, ne tam sanctum, laudabile ac pernecessarium concilium quavis causa vel praetextu distrahatur, et ut ad illud venientes tute ac in pacis tranquillitate libertateque vivere, dicere et expedire valeant, quae honorem Dei omnipotentis, statumque totius ecclesiae
 25 concernant. Nulli ergo ... Si quis autem ...

[Bulla reformationis curiae]

Leo episcopus servus servorum Dei, ad perpetuam rei memoriam, sacrosancto approbante concilio. Supernae dispositionis arbitrio, quo caelestia pariter et terrena ineffabili providentia disponuntur, in sublimi beati
 30 Petri solio Christi unigeniti Dei filii gerentem vices in terris Romanum pontificem decet in primis, pro cura et salute dominici gregis sibi divinitus commissi, providi exercere pastoris officium. Quare pro dicti pastoralis officii sollicitudine cum ecclesiasticam disciplinam, ac per omnes fere Christi fidelium gradus bene recteque vivendi regulam temporum diffi-
 35 cultate ac hominum malitia, licentiaque et impunitate in deterius ita labi, diffluere, aberrareque longius a recta via animadvertimus, ut nisi provida corrigatur emendatione, in varios errores securitate peccandi quotidie magis incidere, moxque obortis publice scandalis, prorumpere sit verendum. Cupientes igitur, quatenus nobis ex alto permittitur, ea iam nimium
 ◆ invalescentia mala corrigere, ac pleraque in pristinam sacrorum canonum observantiam reducere, ac in melius iuxta sanctorum patrum instituta dante Domino reformare, eaque omnia, sacro approbante Lateranensi concilio, a felicis recordationis luho papa secundo praedecessore nostro inter alia propterea incepto, et per nos continuato, salubriter moderari;
 45 ut ab his sumamus exordium, quae pro nunc magis expedire videntur, et

free and unharmed transit through the dominions, lands and property of theirs through which the said persons must pass together with their equipment, possessions and horses; all exceptions and excuses being completely set aside and without force.

In addition we order and command, under pain of our displeasure and of other penalties which can be inflicted at our will, each and all of our people who bear arms, both infantry and cavalry, their commanders and captains, the castellans of our fortresses, the legates, governors, rulers, lieutenants, authorities, officials and vassals of the cities and territories that are subject to the said Roman church, and any others of whatever rank, status, condition or distinction they may be, to give permission, and to be responsible for the giving of permission, to those coming to the Lateran council, to pass through in freedom, safety and security, to stay, and to return, so that such a holy, praiseworthy and very necessary council may not be frustrated for any reason or pretext, and that those coming to it may be able to live in peace and calm and without restraint, and to say and develop under the same conditions the things which concern the honour of almighty God and the standing of the whole church. This we enjoin notwithstanding any constitutions, apostolic ordinances, imperial laws or municipal statutes and customs (even those reinforced by oath and apostolic confirmation or by any other authority) which could modify in any respect or impede in any way the said safe-conduct and guarantee, even if the constitutions etc. were of such a kind that an individual, precise, clear and distinct form of speech, or some other clearly stated expression, should be employed regarding them, and not just general clauses which only imply the matter, for we consider the significance of all the above things to be clearly stated by the present letter, as if they had been included word for word. Let nobody therefore ... If anyone however...

[Bull on reform of the curia]

Leo, bishop, servant of the servants of God, with the approval of the sacred council, for an everlasting record. It is eminently fitting for the Roman pontiff to carry out the duty of a provident shepherd, in order to care for and keep safe the Lord's flock entrusted to him by God, since, by the will of the supreme ordinance by which the things of heaven and of earth are arranged by ineffable providence, he acts on the lofty throne of St Peter as vicar on earth of Christ, the only-begotten Son of God. When we notice, out of solicitude for our said pastoral office, that church discipline and the pattern of a sound and upright life are worsening, disappearing and going further astray from the right path throughout almost all the ranks of Christ's faithful, with a disregard for law and with exemption from punishment, as a result of the troubles of the times and the malice of human beings, it must be feared that, unless checked by a well-guided improvement, there will be a daily falling into a variety of faults under the security of sin and soon, with the appearance of public scandals, a complete breakdown. We desire, then, as far as it is permitted to us from on high, to check the evils from becoming too strong, to restore a great many things to their earlier observance of the sacred canons, to create with God's help an improvement in keeping with the established practice of the holy fathers, and to give — with the approval of the sacred Lateran council initiated for that reason, among others, by our predecessor of happy memory, pope Julius II, and continued by us — healthy guidance to all these matters.

quae saepe per singulas aetates neglecta, magnam christianae religioni
 attulere perniciem, et in ecclesia Dei maxima scandala pepererunt, a
 promotionibus scilicet ad ecclesiasticas dignitates constituimus exordiri.
 Cum piae memoriae Alexander papa III praedecessor noster etiam in
 Lateranensi concilio decreverit¹, ut aetas, morum gravitas, ac literarum e
 scientia in personis promovendis in episcopos et abbates diligenter
 inquirantur, nihilque magis Dei ecclesiae officiat, quam cum immeriti
 assumuntur praelati ad regimen ecclesiarum, propterea in promotionibus
 praelatorum, quarum a Romanis pontificibus magna ratio haberi debet,
 eo praesertim, quod de promotis per eos ad ecclesias seu monasteria in 10
 extremo iudicio rationem Deo reddituri sunt, statuimus et ordinamus,
 ut deinceps perpetuis suis temporibus, patriarchalibus, metropolitan's ac
 cathedralibus ecclesiis et monasteriis pro tempore vacantibus de personis,
 iuxta praefati Alexandri constitutionem, aetate matura, gravitate morum,
 literarumque scientia praedictis, non ad alicuius instantiam, per commen- 15
 dam et administrationem seu conservationem, aut alio quovis modo
 provideatur, nisi ratione utilitatis ecclesiarum, prudentiae, nobilitatis,
 probitatis, experientiae atque curialitatis antiquae cum competenti litera-
 ture, et in sede apostolica meritorum, aliter visum fuerit faciendum.
 Idemque in electis et postulatis, quorum electiones et postulationes per 20
 sedem apostolicam admitti consueverunt, volumus observari. Et si de
 minoribus aetate triginta annorum ecclesiis aut monasteriis huiusmodi
 contigerit provideri, non dispensetur cum eisdem, ut ecclesiis citra
 vigesimumseptimum aetatis annum, monasteriis vero citra vigesimum-
 secundum praeesse valeant. Quinimo ut accuratius diligentiusque idoneae 25
 personae promoveantur, statuimus, ut cardinalis, cui electionis, postu-
 lationis aut provisionis ecclesiae seu monasterii relatio committetur,
 antequam in sacro consistorio (ut moris est) referat commissionem exa-
 minis ac relationis huiusmodi sibi datam, uni cuiuslibet ordinis antiquiori
 cardinali in ipso consistorio per seipsum, vel si ea die, qua sibi commis- 30
 sionis onus iniunctum fuerit, consistorium non fuerit, per secretarium
 suum aut alium quemlibet ex suis domesticis familiaribus notam illam¹
 facere debeat: qui tres priores aliis quamprimum sui ordinis cardinalibus
 eam significare teneantur negotiumque electionis, administrationis, postula-
 tionisve aut promotionis summarie et de plano per seipsum dictus relator 35
 examinet, et si qui contradixerint, his vocatis, idoneos, graves et fide
 dignos testes, et si expediens opusve fuerit, alios ex officio assumere,
 processusque et iura eiusmodi relationis, una cum dictis testium die
 faciendae relationis secum ad consistorium deferre debeat: neque ullo
 modo referat, si praesens in curia promovendus maiorem cardinalium 40
 partem antea non adiverit, ut quae a referente collega sint cardinales
 audituri, oculata fide, quantum ad personam promovendi attinet, cogno-
 scere possint. Promotus vero eosdem cardinales qui praesentes in curia

1 illam *add. Mñ*

1 Cone, Lat. IU» c. 3 (v, supra p. 212).

In order to make a start, we take up the points which for the present seem more appropriate and which, having often been neglected during particular generations, have brought great loss to the Christian religion and produced very great scandals in the church of God. We have therefore decided to begin with preferment to ecclesiastical dignities. Our predecessor of devout memory, pope Alexander III, also in a Lateran council¹, decreed that age, a serious character and knowledge of letters are to be carefully examined in the preferment of individuals to bishoprics and abbacies. Moreover, nothing impedes the church of God more than when unworthy prelates are accepted for the government of churches. Therefore, in the preferment of prelates, the Roman pontiffs must give much attention to the matter, especially because they will have to give an account to God at the last judgment about those given preferment by them to churches and monasteries. Consequently, we rule and establish that henceforward, in accordance with the constitution of the aforesaid Alexander III, for vacant churches and monasteries of patriarchal, metropolitan and cathedral status, the person provided is to be of mature age, learning and serious character, as said above, and the provision is not to be made at someone's urging, by means of recommendation, direction or enforcement, or in any other way, unless it has seemed right to act differently on the grounds of advantage to the churches, prudence, nobility, uprightness, experience, lengthy contact with the curia (together with adequate learning), or service to the apostolic see. We wish the same to be observed regarding the persons elected and chosen in elections and choices that have customarily been admitted by the apostolic see. But if the question arises of providing for churches and monasteries of this kind with persons of less than thirty years of age, there can be no dispensation for them to be in charge of churches before their twenty-seventh year of age or of monasteries before their twenty-second year.

Indeed, so that suitable persons may be advanced with greater exactness and care, we rule that the cardinal to whom the reporting on an election, appointment or provision to a church or monastery has been entrusted, ought, before he gives an account in the sacred consistory (as the custom is) of his carrying out of such an examination or report assigned to him, to make his report known to one of the older cardinals of each grade, personally in the actual consistory, or, if there was no consistory on the day appointed for him to give his account, then by means of his secretary or some other member of his personal staff; and the three older cardinals in question are bound to communicate the report as soon as possible to the other cardinals of their grade. The said cardinal making the report shall personally examine the business of the election, administration, appointment or promotion in summary and extra-judicial fashion. If any have spoken against it, he is obliged to call, after the objectors have been summoned, competent, responsible and trustworthy witnesses and, if it should be necessary or appropriate, others by virtue of office. He is bound to bring with him to the consistory, on the day the report has to be made, the stages and decisions of the report together with the statements of the witnesses; and he shall not give his report in any form until the person to be promoted, if he is at the curia, shall have first visited the majority of the cardinals in order that they may be able to learn at first hand, insofar as it is relevant to his character, what they shall soon learn from the report of their colleague. Moreover, the person promoted is obliged,

¹ Lateran council III, canon 3 (see above, p. 212).

fuerint, ex antiquo more consuetudineque laudabili quamprimum visitare teneatur. Quem quidem morem laudabilemque consuetudinem innovamus, ac inviolabiliter observari mandamus.

Et quoniam episcopalem dignitatem tueri illaesam, et ne improborum
s impugnationibus, aut accusantium calumniis passim pateat, muniri par est;
statuimus, ut nullus episcopus aut abbas, quovis instante ac requirente
(nisi sibi copia et facultas legitimae defensionis permittatur) etiam si crimina
fuerint notoria, diligenterque partibus auditis, causa plenarie probata fue-
rit, dignitate* privari valeat: neve aliquis praelatus invitus, nisi aliis iustis
10 efficacibusque rationibus et causis, transferatur iuxta formam ac decretum
concilii Constantiensis¹. Et quoniam ex commendis monasteriorum (ut
magistra rerum experientia saepius docuit) monasteria ipsa tam in spiritua-
libus quam in temporalibus graviter laeduntur, quippe quorum aedificia
partim commendatariorum negligentia partim avaritia vel incuria collabun-
is tur, et in dies divinus cultus in eis magis diminuitur, passimque obloquendi
materia personis praesertim saecularibus praebetur, non absque dignitatis
apostolicae sedis diminutione, a qua commendae huiusmodi proficiscun-
tur, ut eorum indemnitati salubrius consulatur, volumus ac sancimus, ut
cum illa per obitum abbatum qui illis praeerant vacaverint, nullo pacto
s0 cuiquam possint commendari, nisi pro conservatione auctoritatis aposto-
licae sedis, et ad occurrendum malitiis illam impugnantium, pro tempo-
rum qualitate aliter nobis de fratrum nostrorum consilio visum fuerit
expedire. Sed de persona idonea iuxta praescriptam constitutionem eis
ita provideatur, ut illis idonei abbates (prout decet) praefuturi sint. Ea
25 vero monasteria, quae commendata fuerint, cum per eorum cessum vel
decessum, quibus erant commendata, commendae huiusmodi cessaverint,
cardinalibus dumtaxat ac personis qualificatis et bene meritis commendari
possint: ita tamen, quod eorum monasteriorum commendatarii, quibus
antea de cetero commendata fuerint, cuiusvis dignitatis, honoris et
30 praeeminendae existant, etiamsi cardinalatus honore et dignitate fungan-
tur, si mensam habuerint separatam, ac seorsum a mensa conventuali,
quartam suae mensae partem pro instauratione fabricae, seu pro orna-
mentis, vestibus ac paramentis emendis sarciendisque aut pauperum
alimonia, aut sustentatione, ut maior exiget ac suadebit necessitas; si vero
35 mensa fuerit communis, tertiam omnium fructuum dicti monasterii sibi
commendati partem pro supradictis oneribus supportandis, et susten-
tatione monachorum, omnibus aliis deductis oneribus, impartire tene-
antur. Ac literae, quae super monasteriorum huiusmodi commendis
expedientur, cum clausula hoc ipsum specificè exprimente debeant
40 expediri. Alioquin, si aliter expediantur, nullius sint roboris vel momenti.
Et quoniam ecclesiis huiusmodi absque aliqua fructuum diminutione
providendi decet, ut tam dignitati praesidentium, quam ecclesiarum et
aedificiorum necessitati consulatur, decernimus pariter ac statuimus, ut

2 *om. Lc*

¹ Conc. Const., sess. XXXIX (v. supra p. 443).

by longstanding practice and laudable custom, to visit as soon as possible the same cardinals who are then in the curia. This practice and praiseworthy custom, indeed, we renew and command to be kept without change.

Since it is right to maintain episcopal dignity unharmed, and for it to be protected from indiscriminate exposure to the attacks of wicked persons and to the false charges of accusers, we decree that no bishop or abbot may be deprived of his rank when anyone urges a charge or presses demands (unless the opportunity for a legitimate defence is afforded to him), even if the charges have been widely known and, after the parties have been attentively heard, the case has been fully proved; nor may any prelate be transferred against his will, except for other just and efficacious reasons and causes, in accordance with the terms and decree of the council of Constance¹.

Also, as a result of commendams for monasteries, the monasteries themselves (as experience, a practical mistress, has quite often taught) are seriously damaged in spiritual and temporal matters because their buildings fall into decay, partly through the negligence of the commendatories and partly through greed or lack of interest, divine worship is gradually reduced, and matter for contempt is generally offered especially to secular persons, not without a lessening of the standing of the apostolic see, from which commendams of this kind originate. In order that sounder measures may be taken to secure these monasteries from damage, we will and decree that when vacancies occur through the death of the abbot in charge, they cannot be given in commendam to anyone by any agreement unless it seems right to us to decide otherwise, in accordance with the actual circumstances and with the advice of our brothers, so as to protect the authority of the apostolic see and to oppose the evil designs of those attacking it. But let such monasteries be provided with competent persons, in keeping with the above-mentioned constitution, so that suitable abbots will have charge of them (as is fitting). Such monasteries may be given in commendam, when the original commendam no longer exists on account of the resignation or death of the commendatory, only to cardinals and to qualified and well-deserving persons; and in such a way that the commendatories of the monasteries, whatever their dignity, honour and high rank may be, even if they enjoy the status and dignity of a cardinal, are obliged, if they have meals in private, apart from the common table, to assign a quarter of their board for the renewal of the fabric, or for the purchase or repair of furnishings, clothings and adornment, or for the maintenance or sustenance of the poor, as the greater need demands or suggests. If, however, they share board completely, a third part of all the resources of the said monastery committed to the commendatory must be assigned, after all other imposts have been deducted, to the above-mentioned burdens and to the sustenance of the monks. Moreover, letters which are drawn up regarding such commendams to monasteries ought to contain a clause specifically stating this. If they are drawn up in some other form, they are of no worth or value.

Since it is fitting for such churches to be provided for without any loss of revenues, in such a way that both the honour of those in charge and the need of the churches and buildings are considered, we decree and rule that pensions may

¹ Council of Constance, session 39 (see above p. 443).

super earumdem ecclesiarum fructibus pensiones minime reserventur, nisi ex resignationis causa, aut etiam alia, quae in secreto nostro consistorio iuxta, probabilis et honesta habita fuerit. Statuimus quoque, ut de cetero parochiales ecclesiae ac dignitates maiores et principales, aliaqua beneficia ecclesiastica, quorum fructus, redditus et proventus ducentorum s ducatorum auri de camera, secundum communem aestimationem, valorem annum non constituunt vel attingunt, nec non hospitalia, leprosariae, xenodochia, cuiuscumque valoris, quae ad pauperum usum et alimoniam instituta sunt, sanctae Romanae ecclesiae cardinalibus non commendentur, aut alio quovis titulo conferantur nisi per obitum familiarium suorum 10 vacaverint, quae iliis commendari possint, ut illa ad illarum personarum sibi gratarum et idonearum commodum infra sex menses dimittere teneantur: quibus etiam, quoad beneficia, ad quae haberent regressum, praeiudicare non intendimus. Ordinamus etiam, ne ecclesiarum ac quorumcumque monasteriorum et militiarum membra a suo capite, quod est is absurdum, absque legitima et rationabili causa disiungantur aut separentur. Uniones perpetuae, praeterquam in casibus a iure permissis, vel sine rationabili causa, nequaquam fiant. Dispensationes autem ad plura incompassibilia ultra duo, nisi qualificatis iuxta formam iuris communis, non concedantur, nisi ex magna et urgente causa. Et personis cuiuscumque 20 dignitatis parochiales ecclesias et earum perpetuas vicarias, ac dignitates maiores et principales, etiam per viam unionis vel commendae ad vitam, ultra quatuor obtinentibus, exnunc terminum duorum annorum praefigimus, ut interim quatuor tantum ex eis retentis, reliquas dimittere teneantur, et beneficia dimittenda huiusmodi resignari valeant in manibus 25 ordinariorum, ad effectum, ut de illis provideatur personis per eos nominandis, quacumque reservatione etiam generali, etiam ex qualitatibus resignantium personarum resultante, non obstante: quo elapso termino, nisi dimiserint, omnia vacare censeantur, ac possint libere ut vacantia impetrari: talesque praeterea retinentes poenas extravagantis *Execrabilis* 1 m recolendae memoriae Ioannis papae XXII etiam praedecessoris nostri incurrant. Item statuimus, ut speciales reservationes quorumcumque beneficiorum ad cuiusvis instantiam minime concedantur.

De cardinalibus

Et cum sanctae Romanae ecclesiae cardinales ceteros omnes in ipsa 35 ecclesia post summum pontificem honore ac dignitate praecedant, conveniens ac debitum est, ut vitae munditia ac virtutum splendore cunctis praefulgeant. Quapropter non modo hortamur eos ac monemus, verum etiam statuimus et ordinamus, ut de cetero quilibet cardinalium pro tempore existens, iuxta doctrinam Apostoli, ita *sobrie*, caste *ac pie vivat*2, 40 ut non solum a malo, sed ab omni etiam specie mali abstinens, coram hominibus luceat3. Deumque in primis operibus honorificet. Sint omnes vigiles, ac divinis officiis, missarumque celebrationibus intenti, habeant-

1 c. un. III in *Extrav. Ioann. XXII* (Fr 2,1207-1209).

« Tt 2,12. » Cf. 2 Cor 8,21.

never be reserved from the incomes of these churches except on account of a resignation or for some other reason which has been considered credible and honourable in our secret consistory. We also rule that henceforth parochial churches, major and principal dignities and other ecclesiastical benefices whose rents, revenues and produce by ordinary reckoning do not amount to an annual value of two hundred golden ducats of the treasury, and also hospitals, leper-houses and hostels of any importance which have been set up for the use and provisioning of the poor, shall not be given in commendam to cardinals of the holy Roman church, or conferred on them by any other title, unless they have become vacant by the death of a member of their household. In the latter case they can be given in commendam to cardinals, but these are bound to dispose of them within six months for the benefit of such persons as are suitable and in good relations with them. We do not wish, however, to prejudge the cardinals further with respect to benefices to which they may have a reserve claim.

We also ordain that members of churches, monasteries or military orders may not be detached or separated from their head — which is absurd — without legitimate and reasonable cause. Perpetual unions, apart from cases permitted by law or on some reasonable grounds, are not permitted at all. Dispensations for more than two incompatible benefices are not to be granted, except for great and pressing reasons or to qualified persons according to the form of common law. We set a limit of two years on persons of whatever rank who obtain more than four parish churches and their perpetual vicarages, or major and principal dignities, even if by way of union or commendam for life. They are bound to release the rest, only four being retained in the meantime. Such benefices, due for release, can be resigned into the hands of the ordinaries so that they may be provided with persons nominated by them; notwithstanding any reservations, even those of a general nature or resulting from the quality of the persons resigning. Once the period of two years is past, all the benefices that have not been disposed of may be reckoned as vacant and may freely be applied for as vacant. Those who hold on to them incur the penalties of the constitution *Execrabilis* of our memorable predecessor, pope John XXII. We also rule that special reservations of any benefice are in no way to be granted at the urging of anyone.

On cardinals

Since the cardinals of the holy Roman church take precedence in honour and dignity over all the other members of the church after the sovereign pontiff, it is proper and right that they be distinguished beyond all others by the purity of their life and the excellence of their virtues. On that account, we not only exhort and advise them but also decree and order that henceforth each of the cardinals, following the teaching of the Apostle, so *live a sober, chaste and godly life*~ that he shines out before people as one who abstains not merely from evil but from every appearance of evil⁵. In the first place, let him honour God by his works. Let all of them be vigilant, constant at the divine office and the celebration of masses, and maintain their chapels in a worthy place, as they were wont to do.

¹ ch. 1 III in *Extrav. Ioann. XXII* (Fr 2, 1207-1209).

² Tit 2, 12. ³ See 2 Cor 8, 21.

que capellas suas in loco honesto, prout facere consueverunt. Sitque eorum domus, familia, mensa, supellexque, non fastu aut pompa, neque superfluis rebus, neque aliquo modo reprehensibilis, ne peccandi excedendique modum licentia inde nascatur, sed ut aequum est, modestiae et frugalitatis speculum dici mereantur. Illis itaque sint contenti, quae sacerdotalem prae se ferant modestiam, ac praelatos et quoscumque alios insignes viros ad Romanam curiam venientes benigne honorificcque, tam publice quam privatim, tractent, et apud nos et successores nostros gratiose liberaliterque eorum negotia commendata suscipiant. Praeterea ministerium indecorum episcoporum praelatorumque in domibus non habeant, ne ceteris praeesse instituti, et sacro caractere insigniti, in vilia descendant ministeria, passimque pastoralis officii contemptum inducant. Eos itaque quos vel nunc habent, vel in posterum sunt habituri, honorifice, ut fratres, ac iuxta eorum status condecientiam tractent. Cumque Romano pontifici communi omnium Christi fidelium patri assistant, personarum acceptatores vel advocatos eos fieri valde inconveniens est. Propterea statuimus, ne partialitatem suscipiant aliquam, neque principum communitatum, vel quorumcumque aliorum contra quemquam, nisi quantum iustitia et aequitas postulat, eorumque dignitas et conditio

20 requirit, promotores aut defensores fiant, sed a privata omni passione seiuncti, sedandis et componendis^l inter quoscumque litibus omni diligentia vacent incumbantque: principum et quorumcumque aliorum ac praesertim pauperum et religiosorum iuxta negotia pio promoveant affectu, oppressos et iniuste gravatos iuxta vires suas et officii debitum adiuvent. Tituli sui ^l si praesentes in curia fuerint, personaliter, si vero absentes, per vicarium idoneum semel saltem singulis annis visitent: clericos et populos ecclesiarum titulo suo sublectarum cum diligentia inquirant, vigilantque circa cultum divinum et bona dictarum ecclesiarum, moresque in primis et vitam clericorum et parochianorum solerter explorent, eosque omnes et singulos ad recte honesteque vivendum paterno moneant affectu. Pro augmento autem divini cultus et salute animae suae, quilibet cardinalis vel in vita donet, vel in mortis articulo relinquat suo titulo, quantum sit satis ad presbyterum unum commode ibi sustentandum: vel si ecclesia indigeat reparatione, vel alia subventionem, tantum illi relinquat vel donet, quantum conscientiae suae videbitur. Et cum minime deceat, affines et consanguineos, praesertim benemeritos et ope indigentes negligere, sed illis providere iustum et laudabile sit, non propterea tamen vel beneficiorum multitudine, vel ecclesiasticis redditibus ita eos impleri convenire arbitramur, ut ceteri damnum ex huiusmodi

40 largitionis intemperantia patiantur, et inde scandalum nascatur. Statuimus itaque ut ecclesiarum bona temere non effundant, sed ea in piis et sanctis operibus exponant, quorum causa magni et opimi redditus per sanctos patres statuti et ordinati fuerunt. Volumus etiam ut ecclesiis eisdem cardinalibus commendatis, edam si cathédrales, abbadalesve, aut prioratus, vel quaecumque alia beneficia ecclesiastica fuerint, absque omni pror-

Their house and establishment, table and furniture, should not attract blame by display or splendour or superfluous equipment or in any other way, so as to avoid any fostering of sin or excess, but, as is right, let them deserve to be called mirrors of moderation and frugality. Therefore, let them find satisfaction in what contributes to priestly modesty; let them act with kindness and respect, both in public and in private, towards prelates and other distinguished persons who come to the Roman curia; and let them undertake with grace and generosity the business committed to them by ourself and our successors.

Moreover, let them not employ bishops or prelates in demeaning tasks in their houses, so that those who have been appointed to give direction to others and who have been clad in a sacred character, will not lower themselves to menial chores and generally bring about a lack of respect for the pastoral office. Consequently, let them treat with honour as brothers, and as befits their state of life, those whom they have or will have in their houses. Since the cardinals assist the Roman pontiff, the common father of all Christians, it is very improper for them to be patrons of or special pleaders for individuals. We have therefore decided, lest they adopt partiality of any kind, that they are not to set up as promoters or defenders of princes or communities or of any other persons against anyone, except to the extent that justice and equity demands and the dignity and rank of such people requires. Rather, separated from all private interest, let them be available and engage with all diligence in calming and settling any disputes. Let them promote with due piety the maintenance of the just business of princes and all other persons, especially the poor and religious, and let them offer help in accordance with their resources and their official responsibility to those who are oppressed and unjustly burdened.

They are to visit at least once a year — in person if they have been present in the curia, and by a suitable deputy if they have been absent— the places of their titular basilica. They are, with due care, to keep themselves informed about the clergy and people of the churches subject to their basilica; they are to keep under review the divine worship and the properties of the said churches; above all, let them examine with care the lives of the clergy and their parishioners, and with a father's affection encourage one and all to live an upright and honourable life. For the development of divine worship and the salvation of his own soul, each cardinal should give to his basilica during his lifetime, or bequeath at the time of his death, a sufficient amount for the suitable sustenance there of one priest; or, if the basilica needs repairs or some other form of aid, let him leave or donate as much as he may in conscience decide. It is entirely unfitting to pass over persons related to them by blood or by marriage, especially if they are deserving and need help. To come to their assistance is just and praiseworthy. But we do not consider that it is appropriate to heap on them a great number of benefices or church revenues, with the result that an uncontrolled generosity in these matters may bring wrong to others and may cause scandal. Consequently we have determined that they are not to squander thoughtlessly the goods of the churches, but are to apply them in works of devotion and piety, for which great and rich returns have been assigned and ordained by the holy fathers.

It is also our wish that they take care, without making any excuse, of the churches entrusted to them in commendam, whether these be cathedrals, abbeys, priories, or any other ecclesiastical benefices; that they take measures,

sus excusatione procurent, ac omni conatu suo provideant debite inserviri cathedralibus, dignos et idoneos vicarios, seu suifraganeos, prout consuetudo fuerit, cum digna et competenti mercede apponentes; reliquis autem sibi commendatis ecclesiis aut monasteriis de iusto clericorum vel capellanorum, seu religiosorum aut monachorum, Deo sufficienter et laudabiliter servientium numero providentes: aedilicia quoque, possessiones et iura quaecumque in statu convenienti conservent, et diruta instaurent, sicut ad bonorum praelatorum et commendatariorum officium spectat. Statuimus etiam, ut dicti cardinales circa numerum familiarium, equorumque suis impensis alendorum, magna utantur circumspectione ac diligenti providentia, ne maiorem numerum, quam sua facultas, conditiove ac dignitas patiatur, habentes, luxus ac prodigalitatis vitio notari possint: neve rursus avari sordidique habeantur, si in magnis et amplis redditibus, paucissimis victum praebeant, cum domus cardinalium patens hospitium, portusque ac refugium proborum et doctorum maxime virorum et pauperum nobilium, honestarumque personarum esse debeat. Sint igitur circa modum et numerum tenendi prudentes, ac de familiarium qualitate in primis curiosi, ne ex alienis viriis turpem sibi contrahant infamiae notam, vulguque obloquendi calumniandique iustas praebeant occasiones. Et cum maxime providendum sit, ut *non solum coram Deo*, cui primum placere debemus, *W etiam coram bominibus* opera nostra probentur, ut ceteris exemplo ad imitandum possimus esse, ordinamus ut quilibet cardinalis se domus ac familiae suae optimum rectorem praefectumque ostendat esse², tam circa ea quae extrinseca omnibus apparent, quam quae intus latent abscondita. Habeat itaque eorum quisque sacerdotes et levitas honestis vestimentis indutos, attenteque provideat, ne quis in familia sua quoquo modo benefidatus, et sacris ordinibus constitutus, vestes portet versicolores, nec eo habitu utatur, qui ordini ecclesiastico parum conveniat. Quare in presbyteratus ordine constituti vestes colorum, quae clericis a iure non prohibeantur, deferre debeant usque ad talos saltem demissas. Et habentes dignitates in cathedralibus, et canonici etiam dictarum cathedralium, ac primam dignitatem in collegiatis habentes, et cardinalium capellani missas celebrantes, caputium deferre in publico teneantur: scutiferis vero paulo supra talos concedantur. Para-frenarii, quia in assiduo sunt motu, ministerioque funguntur laboriosiore, brevioribus ac magis expeditis vestibus uti possint, etiam si fuerint clerici, dummodo in presbyteratus ordine non sint constituti: ita tamen ut ab honestate non discedant, sed ita vivant, ut mores ecclesiasticis suis ordinibus non discrepent. Reliqui vero clerici benèficiât!, quam in sacris ordinibus constituti, non comam neque barbam non nutrant, neque mulas, aut equos cum phaleris, ornamentisque ex velluto aut serico factis habeant, sed eiusmodi rebus ex panno tantum aut corio simpliciter utantur.

Si quis autem familiarium praedictorum contra fecerit, aut post tres menses legitima monitione praecedente a praesentium publicatione, huiusmodi

¹ 2 Cor 8, 21. » Cf. 1 Tm 3, 5.

with all personal effect, to see that the cathedrals are duly served by the appointment of worthy and competent vicars or suffragans, according to what has been customary, with an appropriate and adequate salary; and that they provide for the other churches and monasteries held by them in commendam with the right number of clerics or chaplains, whether religious or monks, for the adequate and praiseworthy service of God. Let them also maintain in proper condition the buildings, properties and rights of any kind, and repair what has crumbled, in accordance with the duty of good prelates and commendatories. We also judge that the said cardinals are to use great discretion and careful foresight with regard to the number of their personal attendants and horses lest, by having a greater number than their resources, situation and dignity permit, they can be accused of the vice of over-display and extravagance. Let them not be accounted greedy and squalid on the grounds that they enjoy great and plentiful revenues and yet offer sustenance to very few; for the house of a cardinal ought to be an open lodging, a harbour and refuge for upright and learned persons, especially men, for nobles who are now' poor and for honourable persons. Hence let them be prudent about the manner and quantity of what has to be kept, and carefully check the character of their personal attendants, lest they themselves incur from the vices of others the shameful stain of dishonour and provide real opportunities for contradictions and false accusations.

Since very special provision must be made that our deeds be approved *not only before God*, whom we ought to please in the first place, *but also before people*¹, so that we can offer to others an example to be imitated, we ordain that every cardinal show himself an excellent ruler and overseer of his house and personal staff², with regard to both what is open for all to see and what lies hidden within. Therefore let each of them have the priests and deacons clad in respectable garments, and make careful provision that no one in his household who holds a benefice of any type, or is in holy orders, wears multi-coloured clothes or a garment that has little connection with ecclesiastical status. Those in the priesthood, therefore, ought to wear clothes of colours which are not forbidden to clerics by law and are of at least ankle length. Those who hold high office in cathedrals, canons of the said cathedrals, those holding the chief posts in colleges, and chaplains of cardinals when celebrating masses, are obliged to wear a head-covering in public. Shield-bearers are permitted garments somewhat shorter than ankle-length. Grooms, because they are generally moving about and perform a somewhat burdensome service, can use shorter and more suitable garments, even if they happen to be clerics, so long as they are not ordained priests; but in such a way that they do not cast aside decency and they so conduct themselves that their behaviour is in keeping with their position in the church. Other clerics are to do everything with due proportion and restraint. Both clerics holding benefices and those in holy orders are not to pay special attention to their hair and beards, nor to possess mules or horses with trappings and ornaments of velvet or silk, but for articles of this kind let them use ordinary cloth or leather.

If anyone of the aforesaid staff acts otherwise, or wears such forbidden garments after three months from the announcement of the present regulations,

¹ 2 Cor 8, 21. ² See 1 Tm 3, 5.

vestes prohibitas gestaverit, in excommunicationem incurrat. Si vero infra tres alios menses non se correxerit, a perceptione fructuum ex beneficiis, quae obtinet, suspensus intelligatur. Quod si per alios sex menses in huiusmodi pertinacia obstinatus permanserit, legitima similiter monitione praecedente, beneficiis omnibus, quaecumque habet, privatus sit et esse censeatur: eaque sic vacantia a sede apostolica libere impetrari valeant. Quae omnia et singula in nostris et cuiuscumque Romani pontificis pro tempore existentis familiaribus et similiter in omnibus aliis clericis beneficiatis, vel in sacris ordinibus constitutis, ac etiam curialibus, locum habere volumus.

10 Hoc uno tantum excepto, quod dicti nostri et Romani pontificis familiares, rubri coloris vestimenta gestare possint, pro decencia et consuetudine dignitatis pontificalis. Et quoniam ad cardinales maxime spectat operum optimorum cura, pro viribus laborabunt scire, quae regiones haeresibus, erroribusque ac superstitionibus contra veram et orthodoxam fidem in-

is fectae sint, et ubi divinorum mandatorum ecclesiastica deficiat disciplina: quique reges ac principes, seu populi bellis infestentur, vel infestari timeant. Haec et huiusmodi scire ac nobis et Romano pontifici pro tempore existent! referre operam dabunt, ut opportuna et salutaria talibus malis ac pestibus remedia vigilantia studio excogitari valeant. Et cum

m> frequenti ac prope quotidiana experientia notum sit, provinciis ac civitatibus propter suorum legatorum de latere absentium multa saepius contingere mala, variaque non sine apostolicae sedis praeiudicio scandala oriri, statuimus et ordinamus ut nullis cardinalibus provincias ac civitates legationis titulo obtinentibus, eas per locum tenentes aut officiales

25 quoscumque administrare liceat, sed personaliter ipsi pro maiori parte temporis adesse, atque eas omni vigilantia regere et gubernare teneantur. Et qui nunc titulum legationis obtinent, aut pro tempore obtinebunt, si in Italia, intra tres menses: si extra Italiam, quinque a die praesentis publicationis ad suas provincias ire, ac maiorem temporis partem ibi

m residere teneantur, nisi de nostro et successorum nostrorum mandato, pro aliquibus gravioribus negotiis in Romana curia retineantur, vel ad

prout necessitas postulat, mittantur: et tunc in dictis provinciis ac civitatibus vicelegatos, auditores et locum tenentes, ceterosque consuetos officiales, cum debitis provisionibus ac salariis habeant. Qui praemissa omnia et singula non servaverit, emolumentis quibuscumque legationis careat. Quae quidem propter hoc antiquitus ordinata et instituta fuerunt, ut opportuna legatorum praesentia populis esset salutaris, non ut ipsi laborum et curarum penitus expertes, lucro tantum sub legationis titulo inhiarent. Et cum cardinalis officium in primis versetur in frequenti

40 Romani pontificis assistentia et sedis apostolicae negotiis, propterea statuimus, ut omnes cardinales in Romana curia resideant; et qui sunt absentes, si in Italia, intra sex menses, si extra Italiam, infra annum a die publicationis praesentis constitutionis revertantur. Alioquin fructus beneficiorum et omnium officiorum suorum emolumenta amittant, omnibus-

45 que privilegiis generaliter et specialiter cardinalibus concessis, quam diu

» illis *Mti*

despite being given a legitimate warning, he incurs excommunication. If he has not corrected himself within a further three months, he is understood to be suspended from receiving the fruits of the benefices which he holds. And if he remains fixed in this obstinacy for another six months, after a similar legal warning, he is to be deprived of all the benefices which he holds, and he is to be considered as so deprived. The benefices thus made vacant may be freely sought from the apostolic see. We wish each and every one of these arrangements to apply to the households of ourself and any future Roman pontiffs, and likewise to all other beneficed clerics or persons in holy orders, even those in the curia. There is one single exception: the said attendants of ourself and future Roman pontiffs may wear red garments, in keeping with what is proper and usual for the papal dignity.

Since the care of the most important business is the special concern of cardinals, it is for them to use their ability to know which regions have been infected by heresies, errors and superstitions opposed to the true orthodox faith; where the ecclesiastical discipline of the Lord's commandments is lacking; and which kings and princes or peoples are being troubled, or fear to be troubled, by wars. Cardinals shall apply themselves to obtain information on these and similar matters and make a report to us or the current Roman pontiff so that, by earnest effort, opportune and saving remedies for such evils and afflictions can be thought out. Since by frequent, almost daily, experience it is known that many evils quite often occur to provinces and cities on account of the absence of their own officially appointed legates, and various scandals are springing up which are not without disadvantages to the apostolic see, we decree and ordain that cardinals who are in charge of provinces or cities, under the title of legates, may not administer them through lieutenants or officials, but they are obliged to be present in person for the greater part of the time, and to rule and govern them with all vigilance. Those who now hold the title of legate, or will hold it for a time, are obliged to go to their provinces — within three months from the date of the present proclamation if the provinces are in Italy, and within five months if they are outside Italy — and to reside there for the greater part of the time, unless, by a command from us or our successors, they are held back in the Roman curia for some business of greater moment or are sent to other places as needs demand. In the latter cases, let them have in the said provinces and cities vice-legates, auditors, lieutenants and the other usual officials with due arrangements and salaries. Anyone who does not observe each and all of the above regulations is to be deprived of all the emoluments of his post as legate. These regulations were formulated and established long ago with this object: that the ready presence of the legates would be beneficial to the peoples; not that, being free from toils and cares, under cover of being the legate, they would fix their attention only on profit.

Since the duty of a cardinal is primarily concerned with regular assistance to the Roman pontiff and the business matters of the apostolic see, we have decided that all cardinals shall reside at the Roman curia, and those who are absent are to return within six months if they are in Italy, or within a year from the day of promulgation of this present constitution if they are outside Italy. If they do not, they are to lose the fruits of their benefices and the emoluments of all their offices; and they lose completely, as long as they are absent, all privileges

abfuerint omnino careant, exceptis tamen illis, quos ratione officii ab apostolica sede iniunct?, vel de Romani pontificis mandato aut licentia vel iusto metu, aut quavis alia legitima causa impediēte, vel aegrotationis abesse contingat: privilegiis, induitis et immunitatibus, eisdem cardinalibus concessis, et in bulla nostra sub data coronationis nostrae contentis et s expressis, in suo robore nihilo minus permanentibus. Statuimus insuper, ut expensae funebres cardinalium, computatis omnibus mille quingentorum florenorum summam excedere non debeant, nisi exeutorum providentia, iustis allegatis causis ac rationibus, plus expendendum esse duxerit. Essequiae et castrum doloris prima et nona die fiant: infra octavam vero 10 missae de more celebrentur. Pro reverentia autem sedis apostolicae, utilitateque et honore communi pontificis et ipsorum cardinalium, ut scandalorum, quae nasci possent, occasio tollatur, maiorque in sacro senatu libertas votorum fiat, liceatque, ut par est, cardinali cuique secundum Deum et conscientiam suam libere et impune quodeumque sentiat 15 dicere: statuimus, ne quis cardinalium vota in consistorio data, et quaecumque ibi gesta aut dicta, quae in odium aut praeiudicium, aut scandalum alicuius redundare possint, scripto aut verbo, vel quovis alio modo revelet sub poena periurii et inobedientiae, et quotiescumque a nobis et Romano pontifice pro tempore existente specialiter et expresse ultra 20 praemissa indictum fuerit super aliqua re silentium; si quis contra fecerit, ultra dictas poenas excommunicationem latae sententiae incurrat: a qua non possit absolvi, nisi a nobis vel praefato pontifice Romano et cum expressione causae, praeterquam in mortis articulo.

Reformationeī curiae et aliorum

25

Et cum omnis aetas *ab adolescentia prona sit ad malum*², et a teneris assuefieri ad bonum magni sit operis et effectus, statuimus et ordinamus, ut magistri scholarium, et praeceptores pueros suos sive adolescentes nedum in grammatica et rhetorica, ac ceteris huiusmodi audire et instruere debeant, verum etiam docere teneantur ea, quae ad religionem pertinent, ut sunt 30 praecepta divina, articuli fidei, sacri hymni et psalmi, ac sanctorum vitae: diebusque festivis nihil aliud eos docere possint, quam in rebus ad religionem et bonos mores pertinentibus, eosque in illis instruere, hortari et cogere in quantum possint, teneantur: ut nedum ad missas, sed etiam ad vespervas, divinaque officia audienda, ad ecclesias accedant, et similiter 35 ad praedicationes et sermones audiendos impellant, nihilque contra bonos mores, aut quod ad impietatem inducat, eis legere possint.

Ad abolendam vero exeerabilem blasphemiam, quae in maximum divini nominis, et sanctorum contemptum supra modum invaluit, statuimus et ordinamus, quicumque Deo palam seu publice maledixerit, contumeliosisque atque obscoenis verbis dominum nostrum Iesum Christum vel gloriosam virginem Mariam eius genitricem expresse blasphemaverit, 40

» seiuncu *Msi* b possunt *Lc*

¹ Bulla *Licet Romani pontificis*, 19 apr. 1513; cf. *Regesta Leonis X* n. 14.

¹ Gn 8, 21.

granted in general and in particular to cardinals. Those cardinals are excepted, however, who happen to be absent by reason of a duty imposed by the apostolic see, or of a command or permission from the Roman pontiff, or from reasonable fear or any other motive which justifiably excuses, or for health reasons. Moreover, the privileges, induits and immunities granted to the said cardinals, and contained or declared in our bull under the date of our coronation¹, remain in full force. We have also decided that the funeral expenses of cardinals, when all costs are included, ought not to exceed the total of 1,500 florins, unless the previous arrangement of the executors — after just grounds and reasons have been set out — has reckoned that more should be spent. The funeral rites and formal mourning are to be on the first and ninth days; within the octave, however, masses may be celebrated as usual.

Out of reverence towards the apostolic see, for the advantage and honour of the pontiff and the cardinals, in order that the possibility of scandals which could come to light may be removed and a greater freedom of votes in the holy senate may exist, and that, as is right, it may be lawful for each cardinal to say freely and without penalty whatever he feels before God and his own conscience, we lay down that no cardinal may reveal in writing or by word or in any other way, under pain of being a perjurer and disobedient, the votes that were given in the consistory, or whatever was done or said there which could result in hatred or scandal or prejudice with regard to anyone, or whenever silence on any point beyond the foregoing has been specially and clearly enjoined by ourself or the Roman pontiff of the time. If anyone acts to the contrary he incurs, as well as the punishments stated, immediate excommunication from which, except in immediate danger of death, he can only be absolved by ourself or the Roman pontiff of the time, and with a declaration of the reason.

Reforms of the curia and of other things

Since every generation *inclines to evil from its youth*², and for it to grow accustomed from tender years towards good is the result of work and purpose, we rule and order that those in charge of schools, and those who teach young children and youths, ought not only to instruct them in grammar, rhetoric and similar subjects but also to teach those matters which concern religion, such as God's commandments, the articles of the faith, sacred hymns and psalms, and the lives of the saints. On feast days they should limit themselves to teaching what has reference to religion and good habits, and they are obliged to instruct, encourage and compel their pupils in these matters insofar as they can. Thus, let them attend churches not only for masses, but also to listen to vespers and the divine offices, and let them encourage the hearing of instructions and sermons. Let them not teach anything to their pupils that is contrary to good morals or may lead to a lack of reverence.

To wipe out the curse of blasphemy, which has increased beyond measure towards a supreme contempt for the divine name and for the saints, we rule and ordain that whoever curses God openly and publicly and, by insulting and offensive language, has expressly blasphemed our lord Jesus Christ or the glorious virgin Mary, his mother, if he has held a public office or jurisdiction, he

¹ Bull *Licet Romani pontificis*, 19 April 1513; see *Regesta Leonis X* no. 14.

² Gn 8, 21.

si munus publicum iurisdictionemve gesserit, perdat emolumenta trium mensium pro prima et secunda vice dicti officii: si tertio deliquerit illo eo ipso privatus existât. Si clericus vel sacerdos fuerit, eo ipso quod de delicto huiusmodi fuerit convictus, etiam beneficiorum, quaecumque habuerit, fructibus applicandis ut infra, unius anni multetur: et hoc sit pro prima vice, qua blasphemus ita deliquerit: pro secunda vero si ita deliquerit, et convictus, ut praefertur, fuerit, si unicum habuerit beneficium, eo privetur: si autem plura, quod ordinarius maluerit, id amittere cogatur. Quod si tertio eius sceleris arguatur et convincatur, dignitatibus ac beneficiis omnibus quaecumque habuerit, eo ipso privatus existât, ad eaque ulterius retinenda inhabilis reddatur, eaque libere impetrari et conferri possint. Laicus vero blasphemans, si nobilis fuerit, poena viginti-quinque ducatorum multetur: et pro secunda vice, quinquaginta fabricae basilicae Principis aedificiorum de Urbe applicandis: et aliis, ut infra deducitur; pro tertia vero nobilitatem perdat. Si vero ignobilis ac plebeius fuerit, in carcerem detrudatur. Quod si ultra duas vices publice blasphemans deprehensus fuerit, mitra infami per integram diem ante fores ecclesiae principalis mitratus stare cogatur. Si vero pluries in hoc ipsum peccatum lapsus fuerit, ad perpetuos carceres, vel ad triremes damnetur ad iudicis deputati arbitrium. In foro autem conscientiae nemo blasphemiae reus, absque gravissima poenitentia, severi confessoris arbitrio iniuncta, possit absolvi. Qui vero reliquos sanctos blasphemaverit, arbitrio iudicis rationem personarum habituri, mitius aliquanto puniri volumus. Statuimus etiam, ut saeculares iudices, qui contra tales blasphemiae convictos non animadverterint, eosque iustis poenis minime affecerint, quantum in eis fuerit, quasi eidem sceleri obnoxii, eisdem quoque poenis subiiciantur. Qui vero in illis inquirendis puniendisque diligentes et severi fuerint, pro qualifera vice decem annorum indulgentiam consequantur, et tertiam partem multae pecuniariae habeant. Quicumque vero blasphemantem audierint, eum verbis acriter obiurgare teneantur, si citra periculum suum id fieri posse continget, eundemque deferre, vel notificare apud iudicem ecclesiasticum seu saecularem intra triduum debeant. Quod si plures dictum blasphemantem simul audiverint, singuli eum accusare teneantur, nisi forte omnes convenerint, ut unus pro cunctis tali fungatur officio. Quos omnes in virtute sanctae obedientiae hortamur et monemus in Domino, ut pro divini nominis reverentia et honore, in suis dominiis ac terris praemissa omnia servari et exactissime exequi mandent ac faciant, uberrimam ab ipso Deo tam boni ac pii operis mercedem habituri, similemque annorum decem indulgentiam ab apostolica sede consecuturi cum tertia parte mulctae, qua dictus blasphemus plectetur, quoties tale scelus puniendum curaverint. Quam quidem indulgentiam et reliquam tertiam mulctae partem accusatori, blasphemum nomen deferenti, similiter concedi et assignari volumus, aliis poenis contra huiusmodi blasphemum per sacros canones expressis nihilo minus in suo robore manentibus.

45 Ut clerici praesertim caste continenterque iuxta canonum praecepta vivant, statuimus ut contra facientes acriter secundum canones puniantur. Si quis vero tam laicus, quam clericus, de crimine, propter quod *venit ira*

is to lose three months' emoluments of his said office for the first and second offence, and if he has committed the fault a third time, he is automatically deprived of his post. If he is a cleric or a priest, he is to be punished further as follows for being found guilty of such a fault: for the first time he blasphemed, he is to lose the fruits of whatever benefices he held for one year; for the second time he offended and was convicted, he is to be deprived of his benefice if he held only one, and if he held several then he is to be compelled to lose the one that his ordinary decides upon; if he is charged and convicted for a third time, he is automatically deprived of all the benefices and dignities that he holds, he is rendered incapable of holding them any longer, and they can be freely asked for and allotted to others. A lay person who blasphemes, if he is a noble, is to be fined a penalty of twenty-five ducats; for the second offence the fine is fifty ducats, which are to be applied to the fabric of the basilica of the prince of the apostles in Rome; for other offences he is to be punished as set out below; for a third fault, how'ever, he is to lose his noble status. If he is of no rank and a plebian, he is to be cast into prison. If he has been caught committing blasphemy in public more than twice, he is to be compelled to stand for a whole day in front of the entrance of the principal church, wearing a hood signifying his infamy; but if he has fallen several times into the same fault, he is to be condemned to permanent imprisonment or to the galleys, at the decision of the appointed judge. In the forum of conscience, however, nobody guilty of blasphemy can be absolved without a heavy penance imposed by the decision of a strict confessor. We wish those who blaspheme against the other saints to be punished somewhat more lightly, at the decision of a judge who will take account of individuals.

We also decree that secular judges who have not taken action against such convicted blasphemers and have not imposed rightful penalties on them, insofar as they are able to, are to be subjected to the same penalties as if they had been involved in the said crime. But those who have exercised care and severity in their examinations and punishments, will gain for each occasion an indulgence of ten years and may keep a third of the fine imposed. Any persons who have heard the blasphemer are obliged to rebuke him sharply in words, if it should happen that this can be done without danger to themselves, and they are obliged to report the same or bring it to the knowledge of an ecclesiastical or secular judge within three days. But if several persons have at the same time heard the said blasphemer committing the fault, each one is obliged to make an accusation against him, unless perhaps they all agree that one will perform the task for all. We urge and counsel in the Lord all the said persons, in virtue of holy obedience, that they command and ensure, for the reverence and honour of the divine name, that all the foregoing are kept and very exactly carried out in their lordships and lands. Thus they will have from God himself an abundant reward for such a good and pious deed, and they too will obtain from the apostolic see an indulgence of ten years, and a third of the fine by which the blasphemer is punished, as often as they have taken the trouble to have such a crime punished. It is likewise our will that this indulgence and the remaining third of the fine imposed be granted and assigned to the person reporting the name of the blasphemer. Moreover, other penalties set down in the sacred canons against such blasphemers remain in force.

In order that clerics, especially, may live in continence and chastity according to canonical legislation, we rule that offenders be severely punished as the canons lay down. If anyone, lay or cleric, has been found guilty of a charge on

*Dei in filios Jijfkntiae**, convictus fuerit, poenis per sacros canones aut ius civile respective impositis puniatur. Concubinariis autem, sive laici sive clerici fuerint, eorundem canonum poenis multentur: neque superiorum tolerantia seu prava consuetudo, quae potius corruptela dicenda est, a multitudine peccantium, aliave quaelibet excusatio eis aliquo modo 5 suffragetur, sed iuxta iuris censuram severe puniantur. Ad bonum vero et quietum regimen civitatum, ac locorum omnium Romanae ecclesiae sub-jectorum constitutiones bonae memoriae Aegidii episcopi Sabinensis olim editas³ innovamus, easque inviolabiliter servari praecipimus et mandamus. Et ut nefariae simoniae labes ac pestis non solum a Romana curia, 10 sed ex omni etiam Christiana ditone in perpetuum eiiciatur, constitutiones per antecessores nostros etiam in sacris conciliis contra huiusmodi simoniacos editas innovamus, easque inviolabiliter servari praecipimus, ac poenas in eis contentas pro expressis et insertis haberi, et delinquentes etiam auctoritate nostra affici volumus. Statuimus quoque et ordinamus, is ut quilibet habens beneficium cum cura vel sine cura, si post sex menses ab obtento beneficio divinum officium non dixerit, legitimo impedimento cessante, beneficiorum suorum fructus suos non faciat pro rata omissionis recitationis officii et temporis, sed eos tamquam iniuste perceptos, in 20 fabricas huiusmodi beneficiorum vel pauperum elemosynas erogare teneatur. Si vero ultra dictum tempus in simili negligentia contumaciter permanserit, legitima monitione praecedente, beneficio ipso privetur, cum propter officium detur beneficium. Intelligatur autem officium obmittere, quoad hoc, ut beneficio privari possit, qui per quindecim dies illud bis saltem non dixerit; Deo tamen ultra praemissa de dicta omissione reddi- 25 turus rationem. Quae poena in habentibus plura beneficia reiterabitur toties sit, quoties contra facere convincentur. Et cum fructuum ecclesiarum cathedratum et metropolitanarum, monasteriorumque et aliorum quorumcumque beneficiorum ecclesiasticorum plenaria dispositio et administratio ad nos et Romanum pontificem pro tempore existentem, et 30 illos etiam, qui eiusmodi ecclesias, monasteria et beneficia iure et canonice obtinent, solum pertineant, saecularesque principes, omni etiam divino iure id prohibente, dictis ecclesiis, monasteriis ac beneficiis intromittere se nullatenus debeant: statuimus et ordinamus, ut fructus, redditus et proventus ecclesiarum, monasteriorum ac beneficiorum, per saeculares 35 ullos principes, etiamsi imperator, reges, reginaeve, seu respublicae vel potentatus fuerint, aut per eorum officiales, seu iudices, etiam ecclesiasticos, vel quascumque alias personas, publicas vel privatas, de eorundem imperatoris, regum, reginarumve ac principum, rerumque publicarum vel potentatum mandato, sequestrari, occuparive, aut modo aliquo 40 detineri, ipsique huiusmodi ecclesias, monasteria ac beneficia obtinentes, sub praetextu fabricae instaurationisque, sine Romani pontificis pro tempore existentis expressa licentia, aut elemosynarum, seu quovis alio colore aut

1 Eph 5, 6.

1 *Constitutiones Aegidianae* seu *Constitutione: marchiae Anconitanae* a card. Aegidio Albomoz editae 29-30 apr. 1357 (*Coititugioni egidiene dell'anno 1357*, ed. P. Sella, Roma 1912).

account of which *the wrath of God comes upon the sons of disobedience*¹, let him be punished by the penalties respectively imposed by the sacred canons or by civil law. Those involved in concubinage, whether they be lay or cleric, are to be punished by the penalties of the same canons. Concubinage is not to be allowed by the tolerance of superiors, or as an evil custom of a great number of sinners, which should rather be called a corruption, or under any other excuse; but let those involved be punished severely in accordance with the judgment of the law.

Moreover, for the good and peaceful government of cities and all places subject to the Roman church, we renew the constitutions published some time ago by Giles, the well-remembered bishop of Sabina², and we enjoin and command that they be kept without alteration.

So that the stain and disease of abominable simony may be driven out for ever not only from the Roman curia but also from all Christian rule, we renew the constitutions issued by our predecessors, also in sacred councils, against simoniacs of this kind, and we prescribe that they be observed unaltered. We wish the penalties they contain to be regarded as clearly stated and included herein, and the offenders to be punished by our authority.

We rule and order that anyone who holds a benefice with or without the care of souls, if he has not recited the divine office after six months from the date of his obtaining the benefice, and any legitimate impediment has come to an end, may not receive the revenues of his benefices, on account of his omission and the length of time, but he is bound to spend them, as being unjustly received, on the fabric of the benefices or on alms to the poor. If he obstinately remains in such negligence beyond the said period, after a legitimate warning has been given, let him be deprived of the benefice, since it is for the sake of the office that the benefice is granted. He is to be understood as neglecting the office, so that he can be deprived of his benefice, if he fails to recite it at least twice during fifteen days. However, in addition to what has just been said, he will be obliged to offer to God an explanation for the said omission. The penalty on those holding several benefices may be repeated as often as they are proved to act contrary to these obligations.

The full disposal and administration of the revenues of cathedral and metropolitan churches, monasteries and any other ecclesiastical benefices belong exclusively to us and the Roman pontiff of the time, and to those who legally and canonically hold churches, monasteries and benefices of this kind. Secular princes ought in no way to interpose themselves in the said churches, monasteries and benefices, since all divine law also forbids it. For these reasons we rule and command that the fruits and revenues of churches, monasteries and benefices ought not to be sequestered, held or detained in any way by any secular rulers, even if they be the emperor, kings, queens, republics or other powers, or by their officials, or by judges, even ecclesiastical ones, or by any other persons, public or private, acting at the command of the said emperor, kings, queens, princes, republics or powers. Those who hold such churches, monasteries and benefices ought not to be impeded — under the pretext of the restoration of the fabric (unless permission is expressly given by the Roman pontiff of the time) or of alms-giving or under any other guise or pretence — so that they cannot freely

¹ Eph 5, 6.

² *Constitutions of Giles* or *Constitutions of the March of Ancona*, published by cardinal Giles Alborno on 29-30 April 1357 (*Costituzioni egidiane dell'anno 1357*, ed. P. Sella, Rome 1912).

fuco, impediri non debeant, quo minus de illis, ut antea libere ac sine impedimento disponere valeant. Et si sequestrati fuerint, occupative aut detenti, integre libereque ac sine exceptione vel mora, praelatis ad quos de iure legitimeque spectant, restituantur: de quibus si dissipati nusquam reperiri possint, eorum iusta aestimatione facta, dictis praelatis
 § satisfieri volumus per eos, qui dictas sequestrationes, applicationes, dissipationesque fecerint, aut fieri mandaverint, sub poena excommunicationis aut interdicti ecclesiastici, talium principum terris et dominio eo ipso incurrendis. Et ut eorum, ac eisdem subiectorum bona ubicumque
 10 reperta, si moniti parere noluerint, capi et retineri possint. Ipsi vero contra facientes, tam supradictis poenis, quam privationis feudorum et privilegiorum quae a nobis et Romana vel aliis ecclesiis nunc et pro tempore obtinuerint, et aliis contra violatores et oppressores libertatis ecclesiasticae, etiam per extravagantes et alias constitutiones, etiam incognitas, et forsitan in usu non existentes, impositis, quarum omnium tenores
 15 pro expressis et insertis habentes innovamus, ac perpetuum firmitatis robur habere decernimus et declaramus, ac secundum eas per quoscunque indices, etiam sanctae Romanae ecclesiae cardinales, sublata et adempta eis aliter iudicandi declarandique potestate, sententiari, iudicari
 20 et interpretari debere volumus atque mandamus. Et cum a iure, tam divino quam humano, laicis potestas nulla in ecclesiasticas personas attributa sit, innovamus omnes et singulas constitutiones felicitis recordationis Bonifacii papae VIII, etiam praedecessoris nostri, quae incipit: *Felicitis*¹; et Clementis V, quae incipit: *Si quis suadente*²; nec non quascunque alias apostolicas sanctiones in favorem libertatis ecclesiasticae, et contra eius violatores quomodolibet editas, et poenis etiam contra talia praesumentes, in bulla, quae legitur *In coena Domini*³, contentis, in suo robore permansuris. Et cum in Lateranensi pariter ac conciliis generalibus sub excommunicationis poena prohibitum fuerit, ne reges, principes, duces, comites, barones, respublicae, et alii potentatus quicumque regnis, provinciis, civitatibus ac terris quoquo modo praesidentes, collectas, decimas, et alia huiusmodi onera, clericis, praelatis et aliis quibuscunque personis ecclesiasticis imponant, exigantque, neve a sponte etiam dantibus et consentientibus etiam recipiant: atque in praemissis auxilium,
 35 favorem, consiliumve palam vel occulte praestantes in excommunicationis latae sententiae poenam eo ipso incidant, et ipsae quoque respublicae ac communitates et universitates circa hoc quomodolibet delinquentes ecclesiastico eo ipso subiiciantur interdicto: praelati etiam, praemissis absque Romani pontificis expressa licentia ultro consentientes, excommunicationis et depositionis poenam ipso facto incurrant, statuimus et
 40 ordinamus, ut de cetero talia praesumentes, etiamsi (ut praefertur) qualificati fuerint, ultra supradictas poenas, quas contraveniendo eo ipso incurrere volumus, innovamus, quod' ad omnes actus legitimos, inhabiles

a quod add *Mti*

¹ C.3Ü120 in *VI*^o (Fr 2, 1057-1058). ² c. 1 V 8 in *Clm.* (Fr 2, 1187-1188).

» De hac bulla cf. DDrC 2 (1937) 1132-1136.

and without restriction, as before, dispose of the fruits and revenues. If there have been sequestrations, seizures or retentions, then restoration of the fruits and revenues must be made totally, freely, and without exception or delay, to the prelates to whom they pertain by right and by law. If they have been scattered and can nowhere be found, it is our will, supported by the penalty of excommunication or ecclesiastical interdict to be automatically incurred by the lands and domain of the ruler, that, after a just estimate has been made about them, the said prelates receive satisfaction through those who carried out the said sequestrations, applications or dispersals or who gave orders for them to be carried out; and further, that their goods and the goods of those subject to them, wherever these may be found, may be seized and held if, after being warned, they refuse to obey. Those who act in a contrary manner do so under pain of both the penalties mentioned above and those of deprivation of the fiefs and privileges which they have obtained for a time from us and from the Roman or other churches, and of those issued against violators and oppressors of ecclesiastical liberties, including those in extraordinary and other constitutions, even if they are unknown and perhaps not now in actual use. We renew all these penalties as stated and included herein; we decree and declare that they have perpetual force; and we will and order that sentence, judgment and interpretation are to be given according to them by all judges, even cardinals of the holy Roman church, with all power of judging and declaring otherwise being removed and taken away from them.

Since no power over ecclesiastical persons is granted to lay people by either divine or human law, we renew the constitution of pope Boniface VIII, our predecessor of happy memory, which begins *Felicitis*¹ and that of pope Clement V which begins *Si quis suadente*² and also any other apostolic ordinance, however issued, in favour of ecclesiastical freedom and against its violators. Moreover, the penalties against those who dare to do such things, contained in the bull *In coena Domini*³, are to remain in force. It has similarly been forbidden in the Lateran and general councils, under penalty of excommunication, for kings, princes, dukes, counts, barons, republics and any other authorities exercising control over kingdoms, provinces, cities and territories, to impose and exact money contributions, tithes and other similar imposts on or from clerics, prelates and any other persons of the church, or even to receive them from those who freely offer them and give their consent. Those who openly or covertly provide help, favour or advice in the aforesaid matters automatically incur the penalty of immediate excommunication; and states, communities and universities which are at fault in any way on this point are by this very fact to be subject to ecclesiastical interdict. Prelates also, who have given consent to the foregoing without the clear permission of the Roman pontiff, automatically incur the penalty of excommunication and removal from office. For these reasons we decree and ordain that henceforth those who attempt such things, even if (as mentioned) they are qualified, in addition to the aforesaid penalties which we renew and wish them to incur by the very fact of their contravention, are to be regarded as incapable of all legal acts and as intestable.

1 ch. 3 III 20 *Sext* (Fr 2, 1057-1058).

2 ch. 1 V 8 *Clementines* (Fr 2, 1187-1188).

3 For this bull, see DDrC 2 (1937) 1132-1136.

et intestabiles habeantur. Et cum secundum leges civiles, et sacrorum canonum censuras, sortilegia per invocationem daemonum, incantationes ac divinationes superstitionesque prohibita sint, statuimus, decernimus et ordinamus, ut clerici, qui in praemissis culpabiles inventi fuerint, arbitrio superiorum infamia notentur: si vero non destiterint, deponantur, 5
atque in monasterium ad tempus arbitrio superioris perliniendum, detrudantur, beneficiisque, et officiis ecclesiasticis priventur. Laici vero utriusque sexus excommunicationis et aliis poenis iuris, tam civilis, quam canonici subiaceant. Et ut omnes ficti Christiani, ac de fide male sentientes, cuiuscumque generis aut nationis fuerint, nec non haeretici, seu aliqua 10
haeresis labe polluti, vel iudaizantes, a Christi fidelium coetu penitus eliminantur, et a quocumque loco, et praesertim a Romana curia expellantur ac debita animadversione puniantur, statuimus, ut contra eos diligenti inquisitione ubique et in dicta curia maxime, procedatur per iudices per nos deputandos, et eius criminis reos et legitime convictos, 15
debitis poenis puniri, relapsos vero, absque ulla spe veniae aut remissionis affici volumus. Et cum constitutiones et ordinationes nostrae huiusmodi, quas pro nunc ordinamus, vitam, mores, ecclesiasticamque disciplinam concernant, tam officiales nostros, quam alios, tam in Romana curia, quam extra ubique locorum commorantes imitari convenit, illis 20
ligari, eosque ad eorum observationem inviolabiliter teneri volumus atque decernimus. Et ne constitutiones ipsae aliis censuris ac poenis in contra facientes per antiqua iura et constitutiones impositis derogare in aliquo videantur, cum ad augmentum editae atque excogitatae fuerint, etiam declaramus, per earum dispositiones ordinationesque nihil prorsus 25
iuri communi, vel decretis aliorum Romanorum pontificum ullatenus derogatum esse. Quinimo si qua in eis propter perversam temporum, aut locorum vel hominum corruptelam, vel abusum, aut quamcumque aliam causam minime probandam, vigorem suum amiserint, ea exnunc innovamus, confirmamus et inviolabiliter observari mandamus. Quas nostras 30
consultissimas constitutiones, post duos menses ab earum publicatione, ligare debere etiam decernimus et declaramus, districtius inhibentes, ne quis eas glossare, vel super eis commentaria, interpretationesve facere absque speciali nostra vel sedis apostolicae licentia praesumat. Si quis autem ausu temerario contravenerit, excommunicationis latae sententiae 35
poenam eo ipso incurrat. Nulli ergo... Si quis autem...

SESSIO X

4 maii 1515

[De reformatione Montium pietatis]

Leo episcopus servus servorum Dei, ad perpetuam rei memoriam, sacro approbante concilio. Inter multiplices nostrae sollicitudinis curas, illam in primis suscipere pro nostro pastoralis officio debemus, ut quae salubria, 10
et laudabilia, ac catholicae fidei consona, et bonis moribus conformia, nostro tempore non solum enucleentur, verum etiam ad posteros pro-

Sorcery, by means of enchantments, divinations, superstitions and the invoking of demons, is prohibited by both civil laws and the sanctions of the sacred canons. We rule, decree and ordain that clerics who are found guilty of these things are to be branded with disgrace at the judgment of superiors. If they do not desist, they are to be demoted, forced into a monastery for a period of time that is to be fixed by the will of the superior, and deprived of their benefices and ecclesiastical offices. Lay men and women, however, are to be subject to excommunication and the other penalties of both civil and canon law. All false Christians and those with evil sentiments towards the faith, of whatever race or nation they may be, as well as heretics and those stained with some taint of heresy, or Judaizers, are to be totally excluded from the company of Christ's faithful and expelled from any position, especially from the Roman curia, and punished with an appropriate penalty. For these reasons we rule that proceedings are to be taken against them, with careful enquiry everywhere and particularly in the said curia, by means of judges appointed by us, and that those accused and rightly convicted of these offences are to be punished with fitting penalties; and we wish that those who have relapsed are to be dealt with without any hope of pardon or forgiveness.

Since these constitutions and ordinances which we are now establishing concern life, morals and ecclesiastical discipline, it is fitting that our own and other officials, both those in the Roman curia and those everywhere else, should be models of and bound to them, and it is our will and decision that they be held to their observance by an inviolable bond. Lest these constitutions seem at any point to detract from other censures and penalties imposed by ancient laws and constitutions against those acting otherwise, even though they have been thought out and issued as a development, we further declare that nothing whatever has been taken away from common law or from other decrees of Roman pontiffs by these regulations and ordinances. Indeed, if any parts of them have lost their force through the evil corruption of times, places and people, or through abuse, or for any other unapprovable reason, we here and now renew and confirm them and order them to be observed without alteration. We decree and declare that these our well-pondered constitutions are to be of binding force from two months after publication, and we strictly forbid anyone to presume to make glosses or commentaries or interpretations on them without special permission from us or the apostolic see. Anyone who rashly dares to oppose this, incurs the penalty of immediate excommunication by this very act. Let nobody therefore ... If anyone however...

SESSION 10

4 May 1515

[On the reform of credit organisations (Montes pietatis)]

Leo, bishop, servant of the servants of God, with the approval of the sacred council, for an everlasting record. We ought to give first place in our pastoral office, among our many anxious cares, to ensuring that what is healthy, praiseworthy, in keeping with the Christian faith, and in harmony with good customs, may be not only clarified in our time but also made known to future generations,

pagentur: et quae materiam scandali praebere possent, penitus succidantur, et radicitus extirpentur, nec pullulare usquam sinantur, ea in agro dominico et *tinta Domini tabaoib*¹ dumtaxat conseri permittendo, quibus ridelium mentes pasci spiritualiter possint, eradicatis zizaniis' et oleastri sterilitate succisa. Sane cum olim inter nonnullos dilectos filios sacrae theologiae magistros ac iuris utriusque doctores, controversiam quamdam non sine populorum scandalo et murmuratione exortam et nuper his diebus innovatam esse comperierimus circa pauperum relevationem in mutuis eis publica auctoritate faciendis, qui montes pietatis vulgo appellan-
10 lantur, quique in multis Italiae civitatibus ad subveniendum per huiusmodi mutuum pauperum inopiae, ne usurarum voragine deglutiantur, a civitatum magistratibus et aliis Christi fidelibus sunt instituti atque a sanctis viris divini verbi praeconibus, et laudati, et persuasi, ac a nonnullis etiam summis pontificibus praedecessoribus nostris probati et confirmati sint, ne praefati montes a christiano dogmate dissonantes, vel non utraque parte diversimode sentiente atque praedicante. Nonnullis enim magistris et doctoribus dicentibus eos montes non esse licitos, in quibus aliquid ultra sortem pro libra, decurso certo tempore per ministros huius montis ab ipsis pauperibus, quibus mutuum datur, exigitur, et propterea
20 ab usurarum crimine iniustitiave, seu ab aliqua certi specie mali mundos non evadere, cum Dominus noster, Luca evangelista attestante, aperto nos praecepto obstrinxerit, ne ex dato mutuo quidquam ultra sortem sperare dei^{us}3. Ea enim propria est usurarum interpretatio, quando videlicet ex usu res, quae non germinat, nullo labore, nullo sumptu, nullove periculo lucrum foetusque conquiri studetur. Addebant etiam iidem magistri et doctores, in his montibus neque commutativae neque distributivae iustitiae fieri satis, cum tamen iustitiae terminos contractus huiusmodi excedere non debeant, si debeant approbari; idque praeterea probare nitebantur, quia impensae pro huiusmodi montium conservatione a pluribus (ut aiunt) debitae a solis pauperibus, quibus mutuum datur, extorqueantur: pluraque interdum ultra necessarias et moderatas impensas, non absque specie mali ac incentivo delinquendi, quibusdam aliis personis (ut inferre videntur) exhibeantur. Aliis vero pluribus magistris et doctoribus contra asserentibus, et in multis Italiae gymnasiis verbo et scripto conclamantibus pro tanto bono, tamque reipublicae pernecessario, modo ratione mutui nihil petatur, neque speretur: pro indemnitate tamen eorumdem montium, impensarum videlicet ministrorum eorumdem ac rerum omnium ad illorum necessariam conservationem pertinentium, absque montium huiusmodi lucro, idque moderatum et necessarium ab his, qui ex huiusmodi mutuo commodum suscipiunt, licite ultra sortem exigi et capi posse nonnihil licere, cum regula iuris habeat, quod qui commodum sentit, onus quoque sentire debeat, praesertim si apostolica accedat auctoritas. Quam quidem sententiam a felicis recordationis Paulo II, Sixto IV, Innocentio VIII, Alexandro VI et
45 Iulio II Romanis pontificibus praedecessoribus nostris probatam, a

¹ Is 5, 7. > Cf. Mt 13,24-30. « Lc 6, 35.

and that what could offer matter for scandal be totally cut down, wholly uprooted and nowhere permitted to spread, while at the same time permitting those seeds to be planted in the Lord's field and *in the vineyard of the Lord of hosts*¹ which can spiritually feed the minds of the faithful, once the cockle has been uprooted² and the wild olive cut down. Indeed, we have learnt that among some of our dear sons who were masters in theology and doctors of civil and canon law, there has recently broken out again a particular controversy, not without scandal and disquiet for ordinary people, with regard to the relief of the poor by means of loans made to them by public authorities. They are popularly called credit organisations and have been set up in many cities of Italy by the magistrates of the cities and by other Christians, to assist by this kind of loan the lack of resources among the poor lest they be swallowed up by the greed of usurers. They have been praised and encouraged by holy men, preachers of God's word, and approved and confirmed also by a number of our predecessors as popes, to the effect that the said credit organisations are not out of harmony with Christian dogma, even though there is controversy and different opinions regarding the question.

Some of these masters and doctors say that the credit organisations are unlawful. After a fixed period of time has passed, they say, those attached to these organisations demand from the poor to whom they make a loan so much per pound in addition to the capital sum. For this reason they cannot avoid the crime of usury or injustice, that is to say a clearly defined evil, since our Lord, according to Luke the evangelist, has bound us by a clear command that we ought not to expect any addition to the capital sum when we grant a loan³. For, that is the real meaning of usury: when, from its use, a thing which produces nothing is applied to the acquiring of gain and profit without any work, any expense or any risk. The same masters and doctors add that in these credit organisations neither commutative nor distributive justice is observed, even though contracts of this kind, if they are to be duly approved, ought not to go beyond the bounds of justice. They endeavour to prove this on the grounds that the expenses of the maintenance of these organisations, which ought to be paid by many persons (as they say), are extracted only from the poor to whom a loan is made; and at the same time certain other persons are given more than their necessary and moderate expenses (as they seem to imply), not without an appearance of evil and an encouragement to wrongdoing.

But many other masters and doctors say the opposite and, both in writing and in speech, unite in speaking in many of the schools in Italy in defence of so great a benefit and one so necessary to the state, on the grounds that nothing is being sought nor hoped for from the loan as such. Nevertheless, they argue, for the compensation of the organisations — that is, to defray the expenses of those employed and of all the things necessarily pertaining to the upkeep of the said organisations — they may lawfully ask and receive, in addition to the capital, a moderate and necessary sum from those deriving benefit from the loan, provided that no profit is made therefrom. This is in virtue of the rule of law that the person who experiences benefit ought also to meet the charge, especially when there is added the support of the apostolic authority. They point out that this opinion was approved by our predecessors of happy memory, the Roman pontiffs Paul II, Sixtus IV, Innocent VIII, Alexander VI and Julius II, as well as

¹ Is 5, 7. ² See Mt 13, 24-30. ³ Lk 6, 35.

sanctis quoque ac Deo devotis, et in magna ob sanctitatis opinionem existitiatione habitis, evangelicae veritatis praedicationibus⁴ praedicatam esse ostendunt. Nos super hoc (prout nobis est ex alto concessum) opportune providere volentes, alterius quidem partis, justitiae zelum, ne vorago aperiretur usurarum, alterius pietatis et veritatis amorem, ut 6 pauperibus subveniretur: utriusque vero partis studium commendantes, cum haec ad pacem et tranquillitatem totius reipublicae christianae spectare videantur, sacro approbante concilio, declaramus et diffinimus, montes pietatis antedictos per respublicas institutos, et auctoritate sedis apostolicae hactenus probatos et confirmatos, in quibus pro eorum impensis et indemnitate aliquid moderatum ad solas ministrorum impensas et aliarum rerum ad illorum conservationem (ut praefertur) pertinentium, pro eorum indemnitate dumtaxat ultra sortem absque lucro eorundem montium recipitur, neque speciem mali praeferre, nec peccandi incentivum praestare, neque ullo pacto improbari, quinimo meritorium esse, ac laudari et probari debere tale mutuum, minime usurarium putari, licereque illorum pietatem et misericordiam populis praedicare, etiam cum indulgentiis a sancta sede apostolica eam ob causam concessis: ac deinceps alios etiam similes montes cum apostolicae sedis approbatione erigi posse: multo tamen perfectius, multoque sanctius fore, si omnino tales montes gratuiti constituerentur, hoc est, si illos erigentes, aliquos census assignarent, quibus si non o i, saltem vel media ex parte huiusmodi montium ministrorum solvantur impensae, ut ad leviolem aeris solvendi portionem medio hoc pauperes gravari contingat, ad quos, cum huiusmodi census assignatione, pro impensarum supportatione erigendos, Christi fideles maioribus indulgentiis invitandos esse decernimus. Omnes autem religiosos, et ecclesiasticas ac saeculares personas, qui contra praesentis declarationis et sanctionis formam de cetero praedicare seu disputare verbo vel scriptis ausi fuerint, excommunicationis latae sententiae poenam, privilegio quocumque non obstante, incurrere volumus, non obstantibus praemissis ac constitutionibus et ordinationibus apostolicis, ceterisque contrariis quibuscumque. Nulli ergo ... Si quis autem ...

[Bulla contra exemptos in qua etiam continentur nonnulla ecclesiasticam libertatem et dignitatem episcopalem concernentia]

Leo episcopus servus servorum Dei, ad perpetuam rei memoriam, sacro » approbante concilio. Regimini universalis ecclesiae (disponente Domino) praesidentes, iuxta pastoralis officii debitum libenter intendimus utilitatibus subditorum, et ad conservandam libertatem ecclesiasticam et removenda scandala, ponendam concordiam, et nutriendam quietem inter ecclesiarum praelatos et eorum subditos, eo propensius apostolicae 40 sollicitudinis studium adhibemus, quo dissensionem talium fore dispendiosam experimento comprobatur: nec non indulta pariter et privilegia eisdem subditis in ipsorum praelatorum dispendium, tam per praedeces-

a praedicatoribus *Msi*

by saints and persons devoted to God and held in high esteem for their holiness, and has been preached in sermons about the gospel truth.

We wish to make suitable arrangements on this question (in accord with what we have received from on high). We commend the zeal for justice displayed by the former group, which desires to prevent the opening up of the chasm of usury, as well as the love of piety and truth shown by the latter group, which wishes to aid the poor, and indeed the earnestness of both sides. Since, therefore, this whole question appears to concern the peace and tranquillity of the whole Christian state, we declare and define, with the approval of the sacred council, that the above-mentioned credit organisations, established by states and hitherto approved and confirmed by the authority of the apostolic see, do not introduce any kind of evil or provide any incentive to sin if they receive, in addition to the capital, a moderate sum for their expenses and by way of compensation, provided it is intended exclusively to defray the expenses of those employed and of other things pertaining (as mentioned) to the upkeep of the organisations, and provided that no profit is made therefrom. They ought not, indeed, to be condemned in any way. Rather, such a type of lending is meritorious and should be praised and approved. It certainly should not be considered as usurious; it is lawful to preach the piety and mercy of such organisations to the people, including the indulgences granted for this purpose by the holy apostolic see; and in the future, with the approval of the apostolic see, other similar credit organisations can be established. It would, however, be much more perfect and more holy if such credit organisations were completely gratuitous: that is, if those establishing them provided definite sums with which would be paid, if not the total expenses, then at least half the wages of those employed by the organisations, with the result that the debt of the poor would be lightened thereby. We therefore decree that Christ's faithful ought to be prompted, by a grant of substantial indulgences, to give aid to the poor by providing the sums of which we have spoken, in order to meet the costs of the organisations.

It is our will that all religious as well as ecclesiastical and secular persons who henceforth dare to preach or argue otherwise by word or in writing, contrary to the sense of the present declaration and sanction, incur the punishment of immediate excommunication, notwithstanding any kind of privilege, things said above, constitutions and orders of the apostolic see, and anything else to the contrary.

[Bull against exempt persons, in which are included some points regarding
ecclesiastical liberty and episcopal dignity]

Leo, bishop, servant of the servants of God, with the approval of the sacred council, for an everlasting record. Presiding over the government of the universal church (the Lord so disposing), we readily aim to secure the advantages of subjects, in conformity with the obligation of our pastoral office. In order to preserve the church's freedom, to remove scandals, to establish harmony, and to foster peace between prelates of churches and those subject to them, we apply the effort of apostolic care in proportion as experience shows that disagreement between such groups will be harmful. Thus we are glad to regulate the induits and privileges granted to the same subjects by both our predecessors and the

sores nostros, quam sedem apostolicam concessa, ita libenter moderamur, ne exinde scandala procedant, neve ex eis ulli detur materia malignandi et personae ecclesiasticae a bono obedientiae, nec non divini perseverantia servitii nullatenus retrahantur. Sane nuper ad nostrum relatio fide digna s perduxit auditum, quod canonici patriarchalium, metropolitanarum et cathedralium et collegiatarum ecclesiarum et alii clerici saeculares plura praesumunt; quae ipsis infamiam non parvam pariunt, et aliis inferunt laesionem praetextu exemptionis et libertatis a dicta sede obtentae, ordinariorum correctiones et ordinationes subterfugiunt, ac eorum forum 10 sive indicium declinant. Nonnulli etiam impunitatem suorum excessuum per privilegium exemptionis obtinere sperantes, excessus ipsos committere non verentur, quos nisi per exemptionem, qua gaudent, crederent se defendi, nullatenus fuissent commissuri. Hinc itaque accidit, ut propter eorum audaciam, qui praetextu privilegii exemptionis impunitatem ex- 15 is cessuum obtinere confidentes, nonnulla multoties committant enormia, per quae plurimum diffamatur-ecclesia, et scandala gravia generantur, potissime autem cum talia per eos, ad quos horum spectat correctio, incorrecta remaneant, seu illi, ad quos spectat, illa punire negligunt. Nos volentes, ne eo praetextu delicta remaneant impunita, morbo huiusmodi 20 necessariam adhibere medelam, sacro approbante concilio statuimus, ut de cetero illi, quibus exemptorum correctio et punitio a dicta sede demandata est, circa illam vigilanter intendant, et diligenter officii sibi commissi debitum exequantur; et quamprimum eis exemptos ipsos deliquisse, legitime constiterit, ita eosdem exemptos delinquentes puniant, quod 25 iidem exempti metu poenae a suis arceantur insolentiis, et alii eorum exemplo perterriti, prosilire ad similia merito perhorrescant. Et si circa hoc négligentes fuerint, dioecesani at alii locorum ordinarii eosdem, quibus exemptorum correctio huiusmodi competit, personaliter (si illorum copia et notitia haberi poterit) alioquin, vel si nullus in partibus exemptorum ipsorum certus iudex fuerit, eos quorum sua in praemissis intéressé 30 putaverint, per edictum publicum cathedralium seu aliarum ecclesiarum locorum, in quibus exemptorum iudices huiusmodi residere, seu nullis eorumdem exemptorum iudicibus existentibus ipsos exemptos deliquisse contigerit, valvis affigendum moneant, ut ipsi tales exemptos delinquentes et criminosos puniant et castigent infra competentem terminum, 35 monentium ipsorum arbitrio moderandum. Et si ipsi moniti in hoc négligentes fuerint, et id adimplere neglexerint, seu recusaverint, tunc, ut in eo, in quo deliquerint puniantur, cognitione huiusmodi ea vice sint privati, et se non intromittant ullatenus de eisdem : sed dioecesani et alii 40 locorum ordinarii huiusmodi contra tales exemptos, delinquentes et criminosos auctoritate nostra ad inquisitionem, vel per accusationem sine aliquibus tormentis procedere, et testes per seipsos examinare possint, ac processum ipsum, quem ratione solennitatis iuris, praeterquam ratione citationis omissae (dummodo delictum alias rite probatum fuerit) nullum 45 allegari vel dici posse prohibemus, sed per eos habitum, clausum, et

* accedit *Afri*

apostolic see, at the expense of the prelates concerned, in such a way that scandals do not arise from them, or material be provided to anyone for fostering ill-will, or ecclesiastical persons be somehow drawn away from the benefit of obedience as well as from perseverance in the divine service.

Recently, indeed, a trustworthy report has reached our ears that canons of patriarchal, metropolitan, cathedral and collegiate churches and other secular clerics are making too many claims, on account of which they give rise to considerable ill-report concerning themselves, have an injurious effect on others from their claims of exemption and freedom obtained from the apostolic see, evade the corrections and regulations of the ordinaries, and shun their courts and judgments. Some of them, in the hope of gaining freedom from punishment for their deviations by the privilege of exemption, do not fear to commit offences which they would certainly have never committed if they did not believe that they were protected by their exemption. The result is that, on account of the brashness of those trusting that they will obtain freedom from punishment for their offences, because of the privilege of exemption, they commit outrages on many occasions as a result of which the church is very much maligned and serious scandals arise, especially when those responsible for correcting and punishing them fail to do so. In our wish to provide the necessary remedy lest, on the above pretext, their faults remain unpunished, we rule, with the approval of the sacred council, that henceforth those to whom the correction and punishment of exempt persons has been committed by the apostolic see, are to attend carefully to these duties and diligently to carry out the obligations of the office entrusted to them. As soon as it is legally clear to them that exempt persons have been at fault, they are to punish them in such a way that they are restrained from their acts of arrogance by fear of a penalty and so that others, frightened by their example, will rightly shrink from committing similar faults.

If they are neglectful in this matter, the diocesan and other local ordinaries are to warn such persons, who have the responsibility for correcting those who are exempt, that they should punish such exempt persons who have committed faults and are guilty and should censure them within a suitable time, which is to be determined by the judgment of those giving the warning. The warning is to be given in person (if the resources and standing of the person giving it make this possible), or otherwise, if there should be no clearly recognised judge in the region of the exempt persons, they are to warn those whom they consider to be responsible for the above by means of a public edict, which is to be fixed to the doors of the cathedrals or other churches where such judges of exempt persons may happen to reside, or if there are no judges of the exempt persons there, then where the exempt persons have committed the faults. If those who have received the warning are negligent in this matter, and do not trouble or have refused to carry it out, then, so that they may be penalised for their fault, they are to be deprived of hearing the inquiry for that time and are henceforth not to be involved in any way in such inquiries. Then the diocesan and other local ordinaries can proceed, on our authority, either to an inquiry or by means of an accusation, excluding the use of torture, against such offending and criminous persons and may personally examine the witnesses. They shall see that the process itself — regarding which, by reason of the solemnity of the law, we forbid anything to be alleged or said except on account of an omitted citation (provided the offence has been correctly proved elsewhere) — is held, closed and

eorum sigillo munitum, ad sedis apostolicae examen, ipsorum exemp-
 torum delinquentium expensis, etiam in ipso processu factis, ad quarum
 solutionem ordinarii ipsi possint eosdem inquisitos et accusatos com-
 pellere, per proprium vel alium nuntium, quanto citius destinare pro-
 curent, apud eandem sedem per Romanum pontificem vel alium, cui 5
 duxerit committendum, diligenter examinandum, et ita culpabiles reper-
 tos, quoad condemnationem vel propter sufficientia indicia propter quae
 ad torturam pro veritate exquirenda procedi valeat, ad ipsos dioecesanos,
 seu ordinarios per eos auctoritate nostra in causa inquisitionis seu accusa-
 tionis ulterius legitime procedendum, et causam ipsam, prout iustum 10
 fuerit, terminandam remittendum. Notarii autem dictae sedis, quorum
 officium in ipsis primitivae ecclesiae initiis a felicis recordationis Clemente
 papa I ad sanctorum gesta perquirenda atque conscribenda noscitur
 institutum¹, ad protonotariatus officium assumpti, habitum et rochetum
 deferentes, et alii nostri et dictae sedis officiales, actu sua officia exercen- 15
 tes, tam in civilibus, quam in criminalibus ab omni ordinariorum juris-
 dictione sint exempti. Alii vero notarii habitum protonotariatus non
 deferentes, nisi illum infra trimestre post praesentium publicationem
 assumpserint, et ipsi ac alii in posterum assumendi, habitum et rochetum
 huiusmodi continue non gestantes, atque alii nostri et dictae sedis offi- 20
 dales, officia sua actu non exercentes, tam in criminalibus quam in civili-
 bus ratione causae summam vigintiquinque ducatorum auri de camera
 non excedentis dumtaxat, eorumdem dioecesanorum et ordinariorum
 iurisdictioni subiaceant. In civilibus vero causis summam huiusmodi
 excedentibus, plena gaudeant exemptione, et a dictorum dioecesanorum 25
 et ordinariorum iurisdictione penitus sint exempti. Dignum quoque et
 etiam congruum arbitantes, quod ex sanctae Romanae ecclesiae cardi-
 nalium familiaribus illi dumtaxat privilegio exemptionis gaudeant, qui
 actu domestici et continui sunt commensales, vel ab eisdem cardinalibus
 ad ipsorum exequenda negotia missi, vel qui recreationis causa ad tempus 30
 a Romana curia absentes fuerint. Ceteris vero, etiam familiaritatis literas
 habentibus, quo minus coercitioni dioecesanorum et ordinariorum eorum-
 dem subiaceant, familiaritatis huiusmodi privilegium nullatenus suffrage-
 tur. Et cum eisdem dioecesanis, ut monasteria monialium sedi apostolicae
 immediate subiecta, in eorum dioecesibus consistentia, semel in anno 35
 visitare possint, per constitutionem in concilio Viennensi editam, quae
 incipit: *Attendentes*² plena fuerit data facultas: illam innovamus, ac
 exemptionibus et privilegiis quibuscumque non obstantibus, districte
 servari praecipimus et mandamus. Per praemissa quoque eisdem dioece-
 sanis et ordinariis, casibus quibus in exemptos a iure iurisdictione concessa 40
 est, nullatenus praeiudicium generetur. Exemptiones autem de cetero
 absque rationabili causa, et quorum interest minime citatis, pro tempore
 concessas, nullius roboris et momenti esse decernimus. Et cum ecclesiasti-
 cus ordo confundatur, si sua unicuique iurisdictione non servetur, ordina-

¹ De notariorum et protonotariorum creatione cf. DDrC 6 (1957) 1020-1021, 7 (1959) 389-397. * Conc. Vienn., c. [15] (v. supra p. 373); c. 2 III 10 in *Clem.* (Fr 2, 1168-1169).

sealed by them and quickly despatched to the apostolic see, either by themselves or by another messenger, so as to be carefully examined by the apostolic see, either by the Roman pontiff or by someone else to whom he shall commit the matter; at the expense of the offending exempt persons, including the expenses incurred in the process itself, which expenses the ordinaries can compel the persons who have been investigated and charged to pay. And those found worthy of blame, either to the extent of being condemned or on account of there being sufficient evidence to justify recourse to torture so that the truth might be extracted, are to be returned to the diocesans or ordinaries so that these may lawfully proceed further, on our authority, in the inquiry or the accusation and may terminate the case according to what is just.

Notaries of the apostolic see, whose office is known to have been instituted by pope Clement I of happy memory at the beginnings of the primitive church¹, for the purpose of investigating and recording the acts of saints, and who have been elevated to the office of protonotary and wear an official garment and a rochet, together with other officials who are attached to us and to the said see, when they are actually engaged in their duties, are exempt from all jurisdiction of ordinaries in both civil and criminal matters. Other notaries, however, not wearing the dress of the protonotariate, unless they have adopted it within three months after the publication of this present document, both themselves and others due to be elevated to the office in the future who do not regularly wear the official dress and a rochet, as well as other officials, our own and those of the said see, when not actually engaged in their duties, are to be subject to the jurisdiction of the said diocesans and ordinaries in both criminal and civil cases which involve sums not exceeding twenty-five golden ducats of the treasury. But in civil cases involving sums exceeding such an amount, they are to enjoy full exemption and to be totally excluded from the jurisdiction of the said diocesans and ordinaries. We also judge it worthy and appropriate that among the personal staff of cardinals of the holy Roman church, only those shall enjoy the privilege of exemption who belong to the household staff and are regular sharers of its board, or have been sent by the same cardinals to carry out their personal business, or perhaps are absent for a time from the Roman curia to refresh themselves. But for others, even when they are registered as belonging to the personal staff, the privilege of staff membership in no way entitles them to be outside the control of their diocesans and ordinaries.

By the constitution published at the council of Vienne which begins *Attendentes*², there was given to the aforesaid diocesans full faculties to visit once a year the convents of nuns, in their dioceses, that are immediately subject to the apostolic see. We renew this constitution and we prescribe and command that it be strictly kept, notwithstanding any exemptions and privileges. By the foregoing, moreover, the same diocesans and ordinaries are not to be prejudiced by cases in which jurisdiction over exempt persons has been granted by law. Rather, we define that henceforth exemptions granted for a time without reasonable cause, and without any citation of those involved, are of no force or value.

Since order in the church is confused if the jurisdiction of each person is not

¹ On the creation of notaries and protonotaries, see DDrC 6 (1957) 1020-1021, 7 (1959) 389-397.

² Council of Vienne decree [15] (see above p. 373); ch. 2 III 10 *Clementines* (Fr 2, 1168-1169).

riorum jurisdictioni (quantum cum Deo possumus) favere, ac litibus finem celerius imponi, et litigantium immoderatis sumptibus et expensis parcisatagentes, statuimus et ordinamus, quod singulae causae, tam spirituales quam civiles et mixtae, ac forum ecclesiasticum quomodolibet concernentes, et beneficiales, dummodo beneficia ipsa generaliter reservata non fuerint et ipsorum singulorum beneficiorum fructus, redditus et proventus vigintiquatuor ducatorum auri de camera secundum communem aestimationem valorem annum non excedant, in prima instantia extra Romanam curiam, et in partibus coram ordinariis locorum dumtaxat cognosci et terminari, ita quod nulli ante definitivam sententiam liceat appellare, nec appellatio (si fuerit emissa) ullatenus admitti, nisi ab interlocutoria, quae vim habeat definitivae, vel a gravamine minime concernente negotium principale, quod per appellationem a definitiva sententia reparari non possint; nisi alter collitigantium adversarii sui potentiam merito perhorrescens, seu alia probabili et honesta causa, aliter quam per proprium iuramentum saltem semiplene probata, coram ordinario non auderet litigare. Eo enim casu causae ipsae etiam appellationum in dicta curia, etiam in prima instantia, committi et cognosci et terminari possint. Alioquin appellationes, et illarum etiam aliarum causarum huiusmodi commissiones in posterum, et quidquid inde secutum fuerit, nullius sint roboris vel momenti. Iudices autem et conservatores a sede apostolica deputati, si in altero iurium graduati non fuerint, assessorem partibus non suspectum, ab ipsis partibus vel earum altera requisiti, assumere, et secundum eius relationem iudicare teneantur. Et quia saepius et multiplici relatione percepimus, quamplurimas ecclesias, et illis praesidentes episcopos, tam citra quam ultra montes, vexari in eorum iurisdictionibus, iuribus et dominiis, ac turbari a domicellis, principibus et nobilibus eorundem qui sub colore iurispatronatus, quod in beneficiis ecclesiasticis habere confingunt, nullo privilegio apostolico suffulti, sine ordinariorum collationibus et literis, et absque aliquo saltem colorato titulo beneficia non solum clericis, sed etiam laicis conferre, sacerdotes et clericos delinquentes ad eorum libitum punire, decimas omnium rerum, ad quarum solutionem de iure tenentur, ac cathedralium et alia, quae legis dioecesanae et iurisdictionis sunt, et ad ipsos episcopos dumtaxat pertinent, temere auferre, fraudare, usurpare, seu ut praemissa fiant, mandare, ac ipsa et fructus quoscumque, ne a civitatibus, terris et locis eorum extrahantur, prohibere, feuda, possessiones et praedia occupare, et indebite detinere, seu ad feuda et bona ipsarum ecclesiarum eis concedendum, ac beneficia ecclesiastica personis per eos nominatis conferendum, minis et terroribus ac aliis viis indirectis inducere et compellere, et alia quamplurima damna, iacturas et iniurias ecclesiis et earum praelatis, ac clericis praefatis inferri, non modo permittere, sed etiam expresse mandare praesumant. Attendentes igitur, quod laicis in clericos et personas ecclesiasticas, ac bona ecclesiastica non est attributa facultas, atque aequum et iustum esse, ut in eos iura insurgant, qui illa offendere praesumunt: nec non considerantes, quantum ex his tam nostro et apostolicae sedis honori, quam personarum ecclesiasticarum quieto et prospero statui, non sine

preserved, we rule and ordain, in an effort to support the jurisdiction of ordinaries (so far as we can with God's favour), to impose more quickly an end to lawsuits, and to restrict the immoderate expenses of litigants, that individual cases, spiritual, civil and mixed, involving in any way an ecclesiastical forum and concerned with benefices — provided that the actual benefices have not been under a general reservation and the incomes, rents and produce of the individual benefices do not surpass in value, by common reckoning, twenty-four golden ducats of the treasury — shall in the first instance be examined and settled outside the Roman curia and before the local ordinaries. Thus, nobody may appeal prior to a definitive sentence, nor may an appeal (if made) be in any way admitted, except from an interlocutory judgment which may have the force of a definitive sentence, or by way of a complaint which in no way concerns the main business. For, redress cannot be obtained from a definitive sentence by means of an appeal, unless one of the litigants does not dare to go to law before the ordinary because of a genuine fear of his adversary's power, or for some other acceptable and honourable reason which must be at least partially proved otherwise than by his personal oath. In these exceptional cases, the appeal can be begun, investigated and concluded in the Roman curia, even in the first instance. In other cases, the appeals and the commissions of these and other such suits, and whatever follows from them, shall henceforth be of no force or value. The judges and conservators appointed by the apostolic see, if they are not graduates in either civil or canon law, are obliged, on being asked by the parties concerned or by one of them, to take an assessor who is not under suspicion with the parties and to judge the case according to his report.

We have learnt, by many and frequent reports, that very many churches and the bishops presiding over them, on both sides of the Alps, are being troubled and disturbed in their jurisdictions, rights and lordships by esquires, princes and nobles. These, under colour of a right of patronage which they pretend to hold in ecclesiastical benefices, without the support of any apostolic privileges, or of collations or letters from the ordinaries, or even of any pretence of a title, presume to confer benefices not only on clerics but also on layfolk; to punish at their own whim priests and clerics who are at fault; to remove, purloin and usurp in an arbitrary way, either directly or by ordering others, the tithes of everything on which they are obliged by law to pay, as well as tithes belonging to cathedrals, and other things which pertain to diocesan law and jurisdiction and are the exclusive concern of bishops; to forbid such tithes and any fruits to be taken out of their cities, lands and territories; to seize and unjustly hold fiefs, possessions and lands; to induce and compel, by threats, terror and other indirect means, the granting to them of fiefs and goods of churches and the conferring of ecclesiastical benefices on persons nominated by them; and not only to permit but even expressly to command very many other losses, damages and injuries to be inflicted on the aforesaid clerics and churches and their prelates.

We take thought, then, that no power has been granted to lay people over clerics and ecclesiastics, or over property belonging to the church, and that it is right and just that laws should be made against those who refuse to observe this. We also consider how much such actions detract, with disastrous results which must be condemned, not only from the honour of ourself and the apostolic see but also from the peaceful and prosperous condition of churchmen. We desire,

damnanda pernicie derogetur: ac cupientes eos, quos ad observantiam
 iurium virtutum praemia non inducunt, non tam adiectarum exaggeratio-
 ne poenarum, quam adjiciendarum de novo formidine a temerariis ausibus
 retrenare, omnes et singulas constitutiones, quae super decimarum solu-
 tione, et contra violatores et raptores ecclesiarum, et incendiarios, agro- 5
 rum depopulatores, et tam sanctae Romanae ecclesiae cardinales, quam
 venerabiles fratres nostros episcopos, et alias personas ecclesiasticas,
 saeculares et regulares capientes, detinentes, et eorum jurisdictionem et
 iura quomodolibet indebite occupantes, aut eos in eorum iurisdictionis
 exercitio perturbantes seu molestantes, eos quoque ad conferendum bene- 10
 ficia ecclesiastica personis per eos nominatis, aut alias de illis pro eorum
 libito voluntatis disponendum, et feuda ac bona ecclesiastica in emphy-
 teusim concedendum, aut alias vendendum temere compellentes, nec non
 statuta contra libertatem ecclesiasticam facientes, et ad praemissa auxi-
 lium, consilium vel favorem praestantes hactenus emanarunt, innovamus. 15
 Et cum ea, nedum iuri contraria, sed etiam ecclesiasticae libertati oppro-
 briosa sint quamplurimum et adversa, ut de officio nobis credito dignam
 Deo possimus reddere rationem, affectibus et monitis paternis imperato-
 rem, reges, principes, duces, marchiones, comites, barones et quoscum-
 que alios alterius cuiuscumque nobilitatis, praeeminendae, potentiae seu 20
 potestatis, excellentiae vel dignitatis existentes, attente hortamur in
 Domino, eisdem in virtute sanctae obediendae mandantes, ut ipsi constitu-
 tiones praedictas observent, et faciant a suis etiam subiectis inviolabiliter
 observari, quacumque consuetudine contraria non obstante, si divinam
 offensam et sedis apostolicae debitam vitare voluerint ultionem. Ac 25
 collationes de dictis beneficiis sic factas, nullas et irritas nihilominus esse
 decernimus, ac illis utentes, reddentur inhabiles ad alia beneficia ecclesia-
 stica obtinenda, donec cum eis super hoc per sedem praedictam fuerint
 dispensatum. Mature quoque considerantes, quod post Christi ad caelos
 ascensionem, apostoli per singulas urbes et dioeceses episcopos distri- 30
 buerunt, sicut sancta Romana ecclesia per orbem constituit, eosdem
 episcopos in partem sollicitudinis vocando, onera gradatim distribuendo
 per patriarchas, primates, archiepiscopos et episcopos: ac sacris etiam
 canonibus fuerit definitum, per eos pro morum correctione, et controver-
 siarum decisione et determinatione, ac mandatorum Domini observatione 35
 fieri debere concilium provinciale, ac synodum episcopalem, ut depravata
 corrigerentur, et illa facere négligentes, canonicis poenis subiacerent:
 cum conveniat, nos circa ea quae rempublicam christianam concernunt
 esse intentos, desiderantes canones ipsos firmiter observari, eisdem
 patriarchis, primatibus, archiepiscopis et episcopis districte iniungimus 40
 ut de officio eis commisso dignam Deo possint reddere rationem, cano-
 nes, concilia et synodos huiusmodi fieri mandantes, quocumque privi-
 legio non obstante, inviolabiliter observent, praeterquam quoad concilium
 provinciale, quod de cetero singulis triennis mandamus, ad iliaque etiam
 exemptos accedere debere decernimus, privilegio ac consuetudine qua- 45

too, to restrain from thoughtless acts of rashness, not so much by new penalties as by a renewed fear of existing ones that should be applied, those whom the rewards of virtues do not induce to observe laws. We therefore renew each and all of the constitutions hitherto issued regarding the payment of tithes; against violators and seizers of churches; against fire-raisers and pillagers of fields; against those seizing and holding cardinals of the holy Roman church, our venerable brother bishops and other persons of the church, both secular and regular, and unlawfully taking over in any way their jurisdiction and rights, or disturbing or molesting them in the exercise of their jurisdiction, or presumptuously forcing them to confer ecclesiastical benefices on persons named by them, or to dispose of them in some other way at their arbitrary choice, or to grant or otherwise sell fiefs and goods of the church in perpetual tenure; against making regulations in conflict with ecclesiastical liberty; against providing help, advice and support for the above practices. Since these acts are not merely opposed to law but are also in the highest degree insulting and contrary to ecclesiastical liberty, we therefore, in order that we may be able to give an honest account to God of the office entrusted to us, earnestly urge in the Lord, by fatherly sentiments and counsels, the emperor, kings, princes, dukes, marquises, counts, barons, and others of whatever other nobility, pre-eminence, sovereignty, power, excellence or dignity they may be, and we command them by virtue of holy obedience, to observe the foregoing constitutions and to make them inviolably observed by their subjects, notwithstanding any customs whatever to the contrary, if they wish to avoid the divine displeasure and the fitting reaction of the apostolic see. We decree that appointments made in the above-mentioned way to the said benefices are null and void, and those making use of them are rendered incapable of obtaining other ecclesiastical benefices until they have been dispensed in the matter by the apostolic see.

We have also been carefully reflecting that, after Christ's ascension into heaven, the apostles assigned bishops to each city and diocese, and the holy Roman church became established throughout the world by inviting these same bishops to a role of responsibility, and by gradually sharing the burdens by means of patriarchs, primates, archbishops and bishops; and that it has also been laid down by the sacred canons that provincial councils and episcopal synods ought to be established by such persons for the correction of morals, the settlement and limiting of controversies, and the observance of God's commandments, in order that corruptions may be corrected and those neglecting to do these things may be subjected to canonical penalties. In our desire that these canons be faithfully observed, since it is right for us to be interested in what concerns the Christian state, we place a strict obligation on the said patriarchs, primates, archbishops and bishops, in order that they may be able to render to God a worthy account of the office entrusted to them, that they order the canons, councils and synods to be observed inviolably, notwithstanding any privilege whatsoever. Besides, we order that henceforth a provincial council is to be held every three years, and we decree that even exempt persons are to attend them, notwithstanding any privilege or custom to the contrary. Those who are

cumque contraria non obstantibus. Circa hoc autem négligentes, poenas in eisdem canonibus contentas se noverint incursuros. Et cum constitutione in concilio Viennensi edita, quae incipit/»*pltrisqtu*¹, ut pontificiae dignitatis honor servaretur, statutum fuerit, ne ecclesiis cathedralibus bonis temporalibus, sine quibus spiritualia diu esse non possunt, privatis, ac clero et populo Christiano carentibus, de aliquibus personis praesertim religionis provideretur, constitutionem ipsam innovamus, illamque inviolabiliter observari debere volumus atque mandamus, nisi aliqua iusta causa, in consistorio nostro secreto approbanda, aliter duxerimus faciendum.

io Nos enim quidquid contra praemissa, vel aliquod praemissorum contigerit attentari, irritum decernimus et inane, contraria quacumque constitutione vel privilegio non obstante. Nulli ergo ... Si quis autem ...

[Super impressione librorum]

Leo episcopus servus servorum Dei, ad perpetuam rei memoriam, sacro

15 approbante concilio. Inter sollicitudines nostris humeris incumbentes. perpeti cura revolvimus, ut errantes in viam veritatis reducere, ipsosque lucrifacere Deo (sua nobis coopérante gratia) valeamus. Hoc est quod profecto desideranter exquirimus, ad id nostrae mentis sedulo destinamus affectum ac circa illud studiosa diligentia vigilamus. Sane licet litterarum peritia per librorum lectionem possit faciliter obtineri, ac ars imprimendi libros temporibus potissimum nostris divino favente numine, inventa seu aucta et perpolita, plurima mortalibus attulerit commoda, cum parva impensa, copia librorum magna habeatur, quibus ingenia ad litterarum studia percommode exerceri, et viri eruditi in omni linguarum genere, praesertim autem catholici, quibus sanctam Romanam ecclesiam abundare affectamus, facile evadere possunt, qui etiam infideles sciant et valeant sacris institutis instruere, fideliumque collegio per doctrinam christianae fidei salubriter aggregare. Quia tamen multorum querela nostrum et sedis apostolicae pulsavit auditum, quod nonnulli huius artis

30 imprimendi magistri, in diversis mundi partibus libros tam Graecae, Hebraicae, Arabicae et Chaldaee linguarum in latinum translatos, quam alios, latino ac vulgari sermone editos, errores etiam in fide, ac perniciose dogmata etiam religioni christianae contraria, ac contra famam personarum etiam dignitate fulgentium continentes, imprimere ac publice vendere praesumunt, ex quorum lectura non solum legentes non aedificantur, sed in maximos potius tam in fide, quam in vita et moribus prolabuntur errores, unde varia saepe scandala, prout experientia rerum magistra docuit, exorta fuerunt, et maiora in dies exoriri formidantur; nos itaque, ne id, quod ad Dei gloriam, et fidei augmentum, ac bonarum

40 artium propagationem salubriter est inventum, in contrarium convertatur, ac Christi fidelium salutis detrimentum pariat, super librorum impressione curam nostram habendam fore duximus, ne de cetero cum bonis seminibus spinae coalescant², vel medicinis venena intermisceantur.

¹ Re vera constitutio a Clemente V promulgata; cf. c. 5 I 3 in *Ckm.* (Fr 2,1137-1138).

» Cf. Mt 13,7.

negligent in these matters are to know that they will incur the penalties contained in the same canons.

In order that respect for the papal dignity might be preserved, it was determined by the constitution issued at the council of Vienne, which begins *In plerisque*¹ that no persons, especially no religious, may be provided to cathedral churches which are deprived of temporal goods, without which spiritual things cannot exist for long, and which lack both clergy and Christian people. We renew this constitution, and we will and command that it must be observed inviolably, unless we shall judge otherwise for some just reason to be approved in our secret consistory.

We decree that anything attempted against the foregoing, or any part thereof, is null and void, notwithstanding any constitution or privilege to the contrary. Let nobody therefore ... If anyone however...

[On printing books]

Leo, bishop, servant of the servants of God, with the approval of the sacred council, for an everlasting record. Among the anxieties resting on our shoulders, we come back with constant thought to how we can bring back to the path of truth those going astray, and gain them for God (by his grace working in us). This is what we truly seek after with eagerness; to this we unremittingly direct our mind's desires; and over this we watch with anxious earnestness.

It is certainly possible to obtain without difficulty some learning by reading books. The skill of book-printing has been invented, or rather improved and perfected, with God's assistance, particularly in our time. Without doubt it has brought many benefits to men and women since, at small expense, it is possible to possess a great number of books. These permit minds to devote themselves very readily to scholarly studies. Thus there can easily result, particularly among Catholics, men competent in all kinds of languages; and we desire to see in the Roman church, in good supply, men of this type who are capable of instructing even unbelievers in the holy commandments, and of gathering them for their salvation into the body of the faithful by the teaching of the Christian faith. Complaints from many persons, however, have reached our ears and those of the apostolic see. In fact, some printers have the boldness to print and sell to the public, in different parts of the world, books — some translated into Latin from Greek, Hebrew, Arabic and Chaldean as well as some issued directly in Latin or a vernacular language — containing errors opposed to the faith as well as pernicious views contrary to the Christian religion and to the reputation of prominent persons of rank. The readers are not edified. Indeed, they lapse into very great errors not only in the realm of faith but also in that of life and morals. This has often given rise to various scandals, as experience has taught, and there is daily the fear that even greater scandals are developing.

That is why, to prevent what has been a healthy discovery for the glory of God, the advance of the faith, and the propagation of good skills, from being misused for the opposite purposes and becoming an obstacle to the salvation of Christians, we have judged that our care must be exercised over the printing of books, precisely so that thorns do not grow up with the good seed² or poisons

¹ In fact the constitution was promulgated by Clement V; see ch. 5 | 3 *Clementines* (Fr 2, 1137-1138).

² See Mt 13, 7.

Volentes igitur de opportuno super his remedio providere, hoc sacro approbante concilio, ut negotium impressionis librorum huiusmodi eo prosperetur felicius, quo deinceps indago solertior diligentius et cautius adhibeatur, statuimus et ordinamus, quod de cetero perpetuis futuris temporibus nullus librum aliquem seu aliam quamcumque scripturam, 5 tam in Urbe nostra, quam aliis quibusvis civitatibus et dioecesibus imprimere seu imprimi facere praesumat, nisi prius in urbe per vicarium nostrum et sacri palatii magistrum, in aliis vero civitatibus et dioecesibus per episcopum vel alium habentem peritiam scientiae libri, seu scripturae huiusmodi imprimendae ab eodem episcopo ad id deputandum, ac inquisi- 10 sitorem haereticae pravitatis civitatis* sive dioecesis, in quibus librorum impressio huiusmodi fieret, diligenter examinentur, et per eorum manu propria subscriptionem, sub excommunicationis sententia gratis et sine dilatione imponendam, approbentur. Qui autem secus praesumpserit, ultra librorum impressorum amissionem, et illorum publicam combustio- 15 nem, ac centum ducatorum fabricae basilicae* Principis apostolorum de Urbe sine spe remissionis solutionem, ac anni continui exercitii impressionis suspensionem, excommunicationis sententia innodatus existât, ac demum ingravescente contumacia taliter per episcopum suum vel vicarium nostrum respective per omnia iuris remedia castigetur quod alii 20 eius exemplo similia minime attentare praesumant. Nulli ergo ... Si quis autem ...

[Super praefixione termini contra profitentes
pragmaticam sanctionem]

Leo episcopus servus servorum Dei, ad futuram rei memoriam, sacro 20 approbante concilio. Cum inter alia in hoc sacro concilio expedienda, quid super sanctione, per nonnullos praelatos Gallicae nationis, tam clericos, quam laicos, etiam nobiles ac alios illis faventes, quam ipsi pragmaticam vident, edita, determinandum et declarandum foret, expedire et declarare summopere desideraremus, prout etiam felicis recordationis 30 Iulius papa II praedecessor noster huius concilii indictor desiderabat, et praelati et alii clerici, ac laici praefati, ad comparendum tam coram praefato Iulio praedecessore, quam nobis pluries citati fuerint, et eorum contumacia in dicto concilio saepius allegata, seu accusata extiterit; cumque postmodum pro parte praelatorum, clericorum, et laicorum etiam nobi- 35 lium, ac fautorum praedictorum, ad hoc (ut praefertur) legitime vocatorum, allegatum fuerit, nullum locum, per quem transeundum esset, ut tute venire ad comparendum in dicto concilio possent habere; nos ne eo praetextu quoquo modo se excusare possent, a communitate lanuensium, per quorum loca tute ad Romanam curiam ad allegandum ea, quae 40 in huiusmodi causa pragmaticae allegare voluerint, venire possint, amplum saluumconductum concedi curavimus, et eisdem assignari. Et ne aliquid amplius contra praemissa allegare, et iustam possint praetendere ignorantiam, clericos et laicos, etiam nobiles, etiam praelatos et fautores,

become mixed with medicines. It is our desire to provide a suitable remedy for this danger, with the approval of this sacred council, so that the business of book-printing may go ahead with greater satisfaction the more that there is employed in the future, with greater zeal and prudence, a more attentive supervision. We therefore establish and ordain that henceforth, for all future time, no one may dare to print or have printed any book or other writing of whatever kind in Rome or in any other cities and dioceses, without the book or writings having first been closely examined, at Rome by our vicar and the master of the sacred palace, in other cities and dioceses by the bishop or some other person who knows about the printing of books and writings of this kind and who has been delegated to this office by the bishop in question, and also by the inquisitor of heresy for the city or diocese where the said printing is to take place, and unless the books or writings have been approved by a warrant signed in their own hand, which must be given, under pain of excommunication, freely and without delay.

In addition to the printed books being seized and publicly burnt, payment of a hundred ducats to the fabric of the basilica of the prince of the apostles in Rome, without hope of relief, and suspension for a whole year from the possibility of engaging in printing, there is to be imposed upon anyone presuming to act otherwise the sentence of excommunication. Finally, if the offender's contumacy increases, he is to be punished with all the sanctions of the law, by his bishop or by our vicar, in such a way that others will have no incentive to try to follow his example. Let nobody therefore ... If anyone however...

[On setting a date for those acknowledging the Pragmatic Sanction]

Leo, bishop, servant of the servants of God, with the approval of the sacred council, for an everlasting record. Among other matters to be carried through in this sacred council, we especially desire to make known and proclaim what must be decided and announced concerning the sanction called the Pragmatic, which was issued by a number of leaders of the French nation, both clerics and laymen, as well as nobles and others supporting them. This is in accordance with the wishes of our predecessor pope Julius II, of happy memory, who summoned this council. The prelates and other clergy and the aforesaid laity have been summoned on several occasions to appear before both our said predecessor, Julius, and ourself; and their obstinacy has quite often been alleged or been the subject of accusations in the said council. It was subsequently alleged on behalf of the prelates, clerics and laymen, including nobles, and their said supporters, who were legitimately summoned (as just stated) for this purpose, that there was no route which would allow them to travel in safety to the said council. In order that they may not be able to make this excuse, we have taken measures for a comprehensive safe-conduct to be granted and conveyed to them by the Genoans, through whose territory they can travel in safety to the Roman curia, so that they may be able to bring forward the views which they may wish to present in defence of this Pragmatic Sanction.

To prevent them being able to bring up some further point against what has been set out and to claim a legitimate ignorance, and in order that their obstinacy

clericorumque ac saccularium collegia, ad eorum contumaciam convin-
cendam, sacro approbante concilio, de novo pro ultimo et peremptorio
termino requirimus et monemus, ut ante kalendas octobris proxime
futuri (omni excusatione et dilatione cessantibus) legitime comparere
5 debeant: quem terminum et dilationem huiusmodi, ex causis praedictis
ad omnes excusationes tollendas, ad dictam diem kalendarum octobris
pro ultima et peremptoria dilatione, ut praefertur, prorogamus, de novo
concedimus et assignamus. Quo termino elapso, ad ulteriora et termina-
tionem dicti negotii etiam definitiva sententia procedetur, eorum con-
10 tumacia et non comparitione minime obstantibus, in prima extunc futura
sessione, quam ad hoc, et alia quamplura utilia peragenda, videlicet unde-
cimam sessionem, quae erit die quartadccima decembris post festum
beatae Luciaae proxime futurum, praefato sacro approbante concilio,
indicimus. Nulli ergo ... Si quis autem ...

SESSIO XI

19 dec. 1516

is [Circa modum praedicandi]

Leo episcopus servus servorum Dei, ad perpetuam rei memoriam, sacro
approbante concilio. Supernae maiestatis praesidio, per cuius ineffabilem
providentiam caelestia simul et terrena diriguntur, super gregem domi-
nicum nobis commissum, speculatoris officium¹, quantum imbecillitati
20 nostrae conceditur exercentes, totaque mente nobiscum ipsi revolventes
inter alia complura et magna ad nos etiam pertinere ut munus praedicationis,
quod in ecclesia Dei praecipuum ac pernecessarium, magnique fructus
atque utilitatis, dummodo recte et ex sincera caritate erga Deum et pro-
ximum, praeceptisque et exemplis sanctorum patrum, qui haec profiten-
25 tes cum fidei fundatione et propagatione plurimum ecclesiae contulerunt,
exerceatur. Quippe quod Redemptor noster primus *fecit et docuit*², et eius
praecepto et imitatione duodenus ille apostolorum numerus, quasi totidem
caeli Dei veri gloriam enarrantes³ per orbem terrarum, universum genus
humanum, quod *sub peccati iugo vetusta servitute*^{*} continebatur, sensum ab
30 eorum tenebris educentes⁵, et ad perpetuae salutis lucem excitantes⁶, *verbum*
ipsum *in omnem terram et infines orbis terrae*⁷, tamen³ ipsi prius, tum deinde sui
successores, longe lateque propagaverunt, altissimeque fundarunt, ut qui
nunc tantum subeunt onus, meminisse debeant, creberrimeque secum
revolvere, praeter auctoris ipsius ac fundatoris Iesu Christi pientissimi
35 redemptoris, Petri etiam et Pauli ceterorumque apostolorum et Domini
discipulorum se vices, quoad hoc officium, subire, ac sustinere. Sane fide
dignorum relatione percepimus, quod nonnulli praedicatores nostris

* tum *Mri*

i Cf. Ez 3,17sq.; 33, 7sq. 1 Ac 1,1.

3 Cf. Ps 18, 2. 4 Oratio in Nativitate Domini. 1 Cf. Ps 106, 14.

• Cf. Ac 26,18; Rm 13,12. 7 Ps 18, 5.

may be overcome, we once again, with the approval of the sacred council, give notice and warning, regarding a final and definitive dead-line, to the clergy and laity, including nobles, prelates and their supporters, and to colleges of clerics and of seculars, that they must lawfully assemble (putting aside every excuse and delaying action) before 1 October next. We are extending the dead-line, for the aforesaid reasons and in order to remove all excuses, to the said 1 October, by way of a final postponement; and we grant and assign this anew. Once the dead-line has passed, however, proceedings will go forward at the next session to other matters and to the conclusion of the said business, even by means of a definitive sentence, notwithstanding their obstinacy and refusal to appear. This next eleventh session we summon for these and many other useful matters, with the approval of the sacred council, for 14 December after the next feast day of St Lucy. Let nobody therefore ... If anyone however...

SESSION 11

19 December 1516

[On how to preach]

Leo, bishop, servant of the servants of God, with the approval of the sacred council, for an everlasting record. Under the protection of the supreme majesty by whose ineffable providence things in heaven and on earth are guided, as we carry out the office of watchman¹ over the Lord's flock committed to us, insofar as this is granted to our weakness, we reflect within ourselves in great depth that, among many other important matters, the office of preaching is also our concern. Preaching is of the first importance, very necessary and of great effect and utility in the church, so long as it is being exercised rightly, from genuine charity towards God and our neighbour, and according to the precepts and examples of the holy fathers, who contributed a great deal to the church by publicly professing such things at the time of the establishment and propagation of the faith. For, our redeemer first *did and taught*?; and by his command and example, the college of twelve apostles — the heavens alike proclaiming the glory of the true God² through all the earth — led back from darkness the whole human race³, which was held *by the old bondage under the yoke of sin*⁴, and guided it to the light of eternal salvation⁶. The apostles and then their successors propagated far and wide and rooted deeply *the word* itself *through all the earth and unto the ends of the world*⁷. Therefore those who are now carrying this burden ought to remember and frequently reflect that they in turn, with respect to this office of preaching, are entering into and maintaining that succession of the author and founder of this office, Jesus Christ our most holy redeemer, of Peter and Paul, and of the other apostles and disciples of the Lord.

We have learnt from trustworthy sources that some preachers in our times

¹ See Ez 3, 17ff.; 33, 7ff. ² Ac 1, 1.

³ See Ps 18, 2. ⁴ Prayer at Christmas. ⁵ See Ps 106, 14.

⁶ See Ac 26, 18; Rm 13, 12. ⁷ Ps 18, 5.

temporibus (quod dolenter reterimus) non attendentes, se eorum, quos diximus, et insuper sanctorum ecclesiae doctorum, aliorumque sacram theologiam profitendum, qui assistendo iugiter christianis, ac se falsis prophetis rectam fidem subvertere annitentibus opposcentes, ecclesiam militantem illaesam prius, per se talem eam esse manifestarunt, officium exercere, et non nisi utilia concurrenti eorum sermonibus populo ad vitiorum extirpationem, virtutum laudem, animarum denique salutem fidelium, meditanda et perficienda debere assumere, multa tamen et varia contra institutiones et exempla, quae diximus, quandoque etiam scandalosa populis praedicare, quod mentem certe nostram mirum in modum commovit, dum nobiscum ipsi mente volvimus, quod illi officii immemores sui, in suis sermonibus non ad utilitatem audientium, sed ad suam potius ostentationem laborantes, vanis quorundam auribus blandiuntur, qui ad hoc iam devenisse apparent, ut verificetur dictum Apostoli ad Timotheum ita scribentis: *Erit enim tempus, cum canam doctrinam non sustinebunt, sed ad sua desideria coacervabunt sibi magistros prurientes auribus, et a veritate quidem auditum avertent, ad fabulas autem convertentur*¹: quorum falsas et inanes mentes, praedicantes ipsi praefati, non modo in rectam veramque viam reducere minime student, sed illas maioribus etiam erroribus implicant, dum sine ulla canonum attestazione, vel reverentia, imo contra ipsas canonicas sanctiones, sacrae Scripturae sensum multifariam pervertentes, temereque ac perperam plerumque interpretantes, contra veritatem praedicare, terroresque ac minas, multaque mala prope diem affutura, iamque ingruentia, nulla prorsus legitima ratione muniti, sed suo dumtaxat sensui obsequentes, comminantur, repraesentant adesseque asseverant, plerumque etiam vana quaedam et inania et alia huiusmodi populis ingerere, et quod enormius est, ab aeternitatis lumine, et sancti Spiritus admonitione aut infusione illa se habere asserere audent. Cumque ii sub confictorum miraculorum mendaciis varios errores fraudesque disseminant, denique populos, quos in evangelica doctrina sedulo instruere, et in vera fide detinere et conservare deberent, sermones suos a sensu et praeceptis universalis ecclesiae retrahentes, a sacrisque constitutionibus, quas maxime sequi deberent, deviantes, auditores suos amoveant ac longe faciunt a salute. Per haec namque et alia huiusmodi simpliciores homines, ut ad deceptionem procliviores, a via salutis et obedientia Romanae ecclesiae deviantes, in errores varios perfacile inducuntur. Propterea Gregorius huius muneris peritissimus, et fervore caritatis incensus, praedicatores vehementer hortatur et monet, ut dicturi ad populum prudentes cautique accedant, ne dicendi impetu rapti, verborum erroribus quasi iaculis audientium corda confingant, et cum sapientes fortasse videri desiderant, decepti speratae virtutis compagem insipienter discindant². Saepe namque verborum effectus amittitur tum loquacitate importuna,

» cum *Mti*

¹ 2 Ttn 4, 3-4.

² Gregorius Magnus, *Reyda patloralit* II 11 (22); III 39 (63), 40 (PL 77 48-49, 123-126).

(we record this with sorrow) do not attend to the fact that they are carrying out the office of those we have named, of the holy doctors of the church and of others professing sacred theology, who, ever standing by Christians and confronting false prophets striving to overturn the faith, have shown that the church militant remains unimpaired by her very nature; and that they ought to adopt only what the people who flock to their sermons will find useful, by means of reflection and practical application, for rooting out vices, praising virtues and saving the souls of the faithful. Reliable report has it, rather, that they are preaching many and various things contrary to the teachings and examples which we have mentioned, sometimes with scandal to the people. This fact influences our attitude very deeply when we reflect within ourself that these preachers, unmindful of their duty, are striving in their sermons not for the benefit of the hearers but rather for their own self-display. They flatter the idle ears of some people who seem to have already reached a state that would make true the words of the Apostle writing to Timothy: *For, a time is coming when people will not endure sound teaching but, having itching ears, they will accumulate for themselves teachers to suit their own likings, and will turn away from listening to the truth and wander into myths*¹. These preachers make no attempt whatever to lead back the deceived and empty minds of such people to the path of right and truth. Indeed, they involve them in even greater errors. Without any reverence for the testimony of canon law, indeed contrary to canonical censures, twisting the sense of scripture in many places, often giving it rash and false interpretations, they preach what is false; they threaten, describe and assert to be present, totally unsupported by legitimate proofs and merely following their own private interpretation, various terrors, menaces and many other evils, which they say are about to arrive and are already growing; they very often introduce to their congregations certain futile and worthless ideas and other matters of this nature; and, what is more appalling, they dare to claim that they possess this information from the light of eternity and by the guidance and grace of the holy Spirit.

When these preachers spread this medley of fraud and error, backed by the false testimony of alleged miracles, the congregations whom they ought to be carefully instructing in the gospel message, and retaining and preserving in the true faith, are withdrawn by their sermons from the teaching and commands of the universal church. When they turn aside from the official sacred teachings, which they ought particularly to follow, they separate and move far from salvation those who listen to them. For, as a result of these and similar activities, the less educated people, as being more exposed to deceit, are very easily led into manifold errors, as they wander from the path of salvation and from obedience to the Roman church. Gregory, therefore, who was outstanding in this task, moved by the warmth of his charity, gave a strong exhortation and warning to preachers that, when about to speak, they approach the people with prudence and caution lest, caught up in the enthusiasm of their oratory, they entangle the hearts of their hearers with verbal errors as if with nooses, and while perhaps they wish to appear wise, in their delusion they foolishly tear asunder the sinews of the hoped-for virtue². For, the meaning of words is often lost when the hearts of the audience are bruised by too urgent and careless forms of speech.

¹ 2 Tm 4, 3-4.

² Gregory the Great, *Regula Pastoralis (Pastoral Care)*, II 11 (22); III 39 (63), 40 (PL 77, 48-49, 123-126).

vel incauta, audientium corda levigantur. Et sane in nullo alio rudem ii plebem maiori damno scandaloque afficiunt, quam cum vel tacenda praedicant, vel falsa et inutilia docendo, ea in errorem inducunt. Quae quoniam huic sacrae religioni divinitus institutae, ut nova et aliena, omnino
5 contraria esse noscuntur, gravi certe accuratoque sunt examine digna, ne scandalum populo christiano, et suorum auctorum, ac aliorum animabus interitum pariant. Nos igitur sanctae Dei ecclesiae, cui disponente Domino praesidemus, quae quidem una est, et unum Deum praedicat, colit, ac unam fidem firmiter et sincere confitetur, iuxta illud prophetae
10 vaticinium: *Qui habitare facit unius moris in domo'* uniformitatem, quantum cum Deo possumus posthabitam reducere, et retentam conservare, quique populo verbum Dei praedicant, tales esse cupientes, ut eorum praedicatione Dei ecclesia nullum scandalum patiatur; et si qui corrigibiles sunt, ab his, quae proximis nostrisque temporibus praesumpserunt, cum
is nonnullos eorum praeter illa quae diximus, in praedicationibus non viam amplius Domini in virtute docentes², non evangelium, ut deberent, explanantes, sed conficta miracula et nova ac falsa vaticinia, aliaque levia et ab anilibus fabulis parum distantia, magnumque scandalum parientia, nulla devotionis et auctoritatis, eiusque improbantis ac repellentis haec habitatio
-0 ratione, vastis clamoribus imprimere ac suadere ubique conantes, et ne pontificali quidem dignitate fulgentibus, et aliis ecclesiae praelatis parcentes, quibus potius honorem ac reverentiam exhibere deberent, sed in eorum personas ac statum audaciter ac temere invehi consuevisse, et alia huiusmodi commisisse constat, in futurum abstineant, ut tam periculosum
=5 contagiosumque malum, ac mortifera pestis radicitus evellatur, et a re factum ita penitus deleatur, ut nec memoria eius remaneat: sacro approbante concilio, statuimus et ordinamus ut nullus tam clericus saecularis, quam cuiuscumque etiam mendicantium ordinis regularis, aut quivis alius ad quem facultas praedicandi, tam de iure quam de consuetudine vel
» privilegio aut alias pertinet, ad huiusmodi officium exercendum admittatur, nisi prius per superiorem suum respective diligenter examinatus, in qua re conscientiam ipsius superioris oneramus, ac morum honestate, aetate, doctrina, probitate, prudentia, et vitae exemplaritate ad illud aptus, et idoneus reperiatur, et hic, quocumque postea praedicaturus accesserit,
» de huiusmodi examine et idoneitate sua per literas authenticas seu alias sui examinatoris approbatorisque episcopis et aliis locorum ordinariis fidem legitime faciat. Mandantes omnibus qui hoc onus sustinent, quique in futurum sustinebunt, ut evangelicam veritatem, et sanctam scripturam iuxta declarationem, interpretationem, et ampliationem dictorum, quos
to ecclesia vel usus diuturnus approbavit, legendosque hactenus recepit, et in posterum recipiet; praedicent et explanent nec quidquam eius proprio sensui contrarium, aut dissonum adiiciant, sed illis semper insistant, quae ab ipsius sacrae scripturae verbis, et praefatorum doctorum interpreta-

» debita *Mti*

* Ps 67, 7. Cf. Mt 22,16.

Indeed, in no other way do these preachers cause greater harm and scandal to the less educated than when they preach on what should be left unspoken or when they introduce error by teaching what is false and useless. Since such things are known to be totally opposed to this holy and divinely instituted religion, as being novelties and foreign to it, it is surely just for them to be examined seriously and carefully, lest they cause scandal for the Christian people and ruin for the souls of their authors and of others. We therefore desire, in accord with the word of the prophet, *Who makes harmony dwell in the house*¹, to restore that uniformity which has lost esteem, and to preserve such as remains, insofar as we can with God's help, in the holy church of God, which by divine providence we preside over and which is indeed one, preaches and worships one God and firmly and sincerely professes one faith. We wish that those who preach the word of God to the people be such that God's church suffers no scandal from their preaching. If they are amenable to correction, let them abstain in future from these matters into which they have recently ventured. For it is clear that, in addition to the points which we have mentioned, a number of them are no longer preaching the way of the Lord in virtue² and are not expounding the gospel, as is their duty, but rather invented miracles, new and false prophecies and other frivolities hardly distinguishable from old wives' tales. Such things give rise to great scandal since no account is taken of devotion and authority and of its condemnations and rejections. There are those who make attempts to impress and win support by bawling everywhere, not sparing even those who are honoured with pontifical rank and other prelates of the church, to whom they should rather be showing honour and reverence. They attack their persons and their state of life, boldly and without discrimination, and commit other acts of this kind. Our aim is that so dangerous and contagious an evil and so mortal a disease may be thoroughly wiped out and that its consequences may be so completely swept away that not even its memory remains.

We decree and ordain, with the approval of the sacred council, that nobody — whether a secular cleric or a member of any of the mendicant orders or someone with the right to preach by law or custom or privilege or otherwise — may be admitted to carry out this office unless he has first been examined with due care by his superior, which is a responsibility that we lay on the superior's conscience, and unless he is found to be fit and suitable for the task by his upright behaviour, age, doctrine, honesty, prudence and exemplary life. Wherever he goes to preach, he must provide a guarantee to the bishop and other local ordinaries concerning his examination and competence, by means of the original or other letters from the person who examined and approved him. We command all who undertake this task of preaching, or will later undertake it, to preach and expound the gospel truth and holy scripture in accordance with the exposition, interpretation and commentaries that the church or long use has approved and has accepted for teaching until now, and will accept in the future, without any addition contrary to its true meaning or in conflict with it. They are always to insist on the meanings which are in harmony with the words of sacred scripture and with the interpretations, properly and wisely understood, of the doctors

¹ Ps 67, 7. ² See Mt 22, 16.

tionibus, rite et sane intellectis, non discordant. Tempus quoque praefixum futurorum malorum, vel antichristi adventum, aut certum diem iudicii praedicare, vel asserere nequaquam praesumant, cum Veritas dicat, *non esse nostrum nosse tempora vel momenta, quae Pater posuit in sua potestate*¹: ipsosque qui hactenus similia asserere ausi sunt, mentitos; ac eorum causa reliquorum etiam recte praedicantium auctoritati non modicum detractum fuisse constet: inhibentes omnibus et singulis clericis saecularibus vel regularibus praefatis, ceterisque cuiuscumque status, gradus, et ordinis existant, qui hoc onus assument ne de cetero in sermonibus suis publicis, alia quaeque futura ex literis sacris constanter praedicere, nec illa a Spiritu sancto vel divina revelatione se habuisse affirmare, et alienas inanesque divinationes asseveranda, aut alio quocumque modo tractanda assumant, sed ex divinae vocis praecepto *evangelium omni creaturae* cum vitiorum detestatione, et virtutum commendatione enucleent et declarent, et pacem ac dilectionem mutuam a Redemptore nostro tantopere commendatam ubique foventes, non scindant vestem inconsutilem Christi³, sed ab episcoporum et praelatorum, ac aliorum superiorum, eorumque status scandalosa detractio, quos coram vulgo, et laicis non modo incaute, sed etiam intemperanter reprehendunt et mordent, et ab eis male gestorum expressis quandoque nominibus aperta et manifesta redargutione abstineant. Denique constitutionem felicitis recordationis Clementis papae quae incipit: *Religiosi*^{*}, quam tenore praesentium innovamus et approbamus, inviolabiliter ab eis observari debere decernimus, ut hac ratione ad utilitatem populi praedicantes, et eum Domino lucrificantes, talentum, quod ab illo acceperant, superlucrari⁵, et eiusdem gratiam et gloriam consequi mereantur. Ceterum si quibusdam eorum Dominus futura quaedam in Dei ecclesia inspiratione quapiam revelaverit, ut per Amos prophetam ipse promittit⁷, et Paulus apostolus praedicatorum princeps, *Spiritum*, inquit, *nolite extinguere prophetias nolite spernere*⁸ hos aliorum fabulosorum et mendacium gregi connumerari, vel aliter impediri minime volumus. Extinguitur namque ipsius gratia Spiritus, Ambrosio teste, si incipientibus loqui fervor contradictione sopitur: et tunc Spiritui sancto iniuria certe fieri dicitur. Et quoniam res magni momenti est, eo quod non de facile credendum sit omni spiritui, sed sint probandi spiritus, teste apostolo an ex Deo proveniant⁸; volumus, ut lege ordinaria tales assertae inspirationes, antequam publicentur, aut populo praedicentur, exnunc apostolicae sedis examini reservatae intelligantur. Quod si sine morae periculo id fieri non valeret, aut urgens necessitas aliud suaderet, tunc eodem ordine servato ordinario loci notificetur, ut ille adhibitis secum tribus aut quatuor doctis et gravibus viris, et huiusmodi negotio cum eis diligenter examinato, quando id expedire videbunt, super quo eorum conscientias oneramus, licentiam concedere possint. Si qui autem contra premissorum aliquod committere quidquam ausi

¹ Ac 1,7. ³ Mr 16,15. » Cf. Io 19, 23.

^{*} c.1 V 7 w *Clem.* (Fr 2,1186-1187) id est c. [31] concilii Viennensis (v. supra p. 387).

» Cf. Mt 25,14-29. · Cf. Am 3, 7. ' 1 Th 5,19-20. · Cf. 1 Io 4, 1.

mentioned above. They are in no way to presume to preach or declare a fixed time for future evils, the coming of antichrist or the precise day of judgment; for Truth says, *it is not for us to know times or seasons which the Father has fixed by his own authority*¹. Let it be known that those who have hitherto dared to declare such things are liars, and that because of them not a little authority has been taken away from those who preach the truth.

We are placing a restriction on each and all of the said clerics, secular and regular and others, of whatever status, rank or order, who undertake this task. In their public sermons they are not to keep on predicting some future events as based on the sacred writings, nor presume to declare that they know them from the holy Spirit or from divine revelation, nor that strange and empty predictions are matters which must be firmly asserted or held in some other way. Rather, at the command of the divine word, let them expound and proclaim *the gospel to every creature*², rejecting vices and commending virtues. Fostering everywhere the peace and mutual love so much commended by our Redeemer, let them not rend the seamless garment of Christ³ and let them refrain from any scandalous detraction of bishops, prelates and other superiors and of their state of life. Yet these they rebuke and Kun before people generally, including the laity, not only heedlessly and extravagantly but also by open and plain reproof, with the names of the evildoers sometimes being stated by them.

Finally, we decree that the constitution of pope Clement of happy memory, beginning *Religiosi*^{*}, which we renew and approve by this present decree, must be observed by preachers without alteration, so that, preaching in these terms for the people's advantage and winning them for the Lord, they may deserve to gain interest on the talent received from him⁵ and to win his grace and glory. But if the Lord reveals to certain of them, by some inspiration, some future events in the church of God, as he promises by the prophet Amos⁶ and as the apostle Paul, the chief of preachers, says, *Do not quench the Spirit, do not despise prophesying*⁷, we have no wish for them to be counted with the other group of story-tellers and liars or to be otherwise hindered. For, as Ambrose bears witness, the grace of the Spirit himself is being extinguished if fervour in those beginning to speak is quietened by contradiction. In that case, a wrong is certainly done to the holy Spirit. The matter is important inasmuch as credence must not be easily given to every spirit and, as the Apostle sùtes, the spirits have to be tested to see whether they come from God⁸. It is therefore our will that as from now, by common law, alleged inspirations of this kind, before they are published, or preached to the people, are to be understood as reserved for examination by the apostolic see. If it is impossible to do this without danger of delay, or some pressing need suggests other action, then, keeping the same arrangement, notice is to be given to the local ordinary so that, after he has summoned three or four knowledgeable and serious men and carefully examined the matter with them, they may grant permission if this seems to them to be appropriate. We lay the responsibility for this decision on their consciences.

If any persons dare to carry through anything contrary to any of the above, it

¹ Ac 1, 7. ² Mk 16, 15. ³ See Jn 19, 23.

⁴ ch. 1 V 7 *Clementines* (Fr 2, 1186-1187), namely decree [31] of the council of Vienne (see above p. 387).

⁵ See Mt 25, 14-29. ⁶ See Am 3, 7. ⁷ 1 Th 5, 19-20. ⁸ See 1 Jn 4, 1.

fuerint, ultra poenas contra tales a iure statutas, excommunicationis etiam sententiam, a qua non nisi a Romano pontifice, praeterquam in mortis articulo constituti absolvi possint, eos incurrere volumus. Et ut eorum exemplo alii attentare similia minime audeant, eis praedicationis etiam officium interdictum esse perpetuo decernimus; non obstantibus constitutionibus, ordinationibus, ac privilegiis et induitis, et litteris apostolicis, ordinibus, et personis praefatis, etiam in *Mari magno** comprehensis, ac etiam a nobis forsitan approbatis, innovatis, vel etiam de novo concessis, quae quo ad hoc nolumus eis in aliquo suffragari. Nulli ergo . . .
 io Si quis autem . . .

[Bulla quae continet concordata inter pontificem et christianissimum Francorum regem super pragmatica]

Leo episcopus servus servorum Dei, ad perpetuam rei memoriam, sacro approbante concilio. Divina disponente clementia, per quam *reges regnant*,
 is *et principes imperant*¹, in eminenti apostolatus specula, et super gentes et regna meritis licet imparibus constituti³, animo revolventes, quod etsi ea, quae pro salubri et quieto regimine regnorum, et ad pacem et iustitiam populorum perpetua eorundem regnorum stabilitate, regibus praesertim de fide catholica et de republica Christiana et apostolica sede benemeritis,
 » laudabili et provida nostra ordinatione cum venerabilibus fratribus nostris sanctae Romanae ecclesiae cardinalibus concessa, ac ad effectum huiusmodi gesta, statuta, ordinata, decreta, factave sunt, plenam roboris obtineant firmitatem; illis nihilominus interdum, sacro approbante concilio, nostrae innovationis et approbationis robur adiicimus, ut eo firmitus
 » illibata perdurent, quo saepius erunt nostra auctoritate, ac etiam generalis concilii praesidio communita, efficacemque operam circa eorundem conservationem libenter adhibemus, ut reges et ipsorum regnorum personae, concessionibus, privilegiis, statutis, et ordinationibus huiusmodi in Domino plene gaudentes, in pacis et tranquillitatis, ac amoenitatis
 w dulcedine conquiescant, et in eorum solita erga eandem sedem devotione ferventius perseverent. Nuper siquidem ut ecclesia sponsa nostra in sancta unione conservaretur, et per Christi fideles sacris canonibus a Romanis pontificibus et sacris generalibus conciliis dumtaxat editis uterentur, quasdam constitutiones, quas de cetero loco pragmaticae sanctionis et
 55 contentorum in ea, in regno Franciae pro bono pacis et concordiae, ac illius communi et publica utilitate cum carissimo in Christo filio nostro Francisco* Francorum rege christianissimo, dum Bononiae cum nostra curia essemus, tractatas, et cum eisdem fratribus nostris diligenter examinatas, et de eorum consilio cum praefato rege concordatas, et per ipsius

40 - om, *Msi*

¹ I. e. bulla Sixti IV *Regimini universalis*, 31 aug. 1474, continentes omnia fratrum minorum s. Francisci privilegia, aliis mendicantibus ordinibus participata (BR 5,217-223).

³ Pro 8,15-16. ¹ Cf. Ir 1,10.

is our will that, in addition to the punishments set down against such persons by law, they incur the penalty of excommunication from which, except at the imminent approach of death, they can be absolved only by the Roman pontiff. In order that others may not be urged on by their example to try similar acts, we decree that the office of preaching is forbidden to such persons for ever; notwithstanding constitutions, ordinances, privileges, induits and apostolic letters for religious orders and the aforesaid persons, including those mentioned in *Mare magnum*¹, even if perchance they have been approved, renewed or even granted anew by us, none of which in this matter do we wish to support at any point in their favour. Let nobody therefore ... If anyone however...

[Bull containing agreements between the pope and the most Christian king of France,
on the Pragmatic]

Leo, bishop, servant of the servants of God, with the approval of the sacred council, for an everlasting record. In accord with the dispensation of the divine mercy by which *kings reign and princes rule*², established as we are despite our lack of merit in the lofty watch-tower of the apostolate and set over nations and kingdoms³, we ponder how permanent force and effect may be given to the things which have been granted, carried out, established, ordained, decreed and done by our praiseworthy and prudent arrangement, in union with our venerable brothers, the cardinals of the holy Roman church, for the wholesome and peaceful government of kingdoms and for the peace and justice of peoples, especially with regard to rulers who are well-deserving of the catholic faith, the Christian state and the apostolic see. Nevertheless, we sometimes add the force of our renewed approval to such things, with the approval of the sacred council, so that these things may persist with greater steadiness in an undamaged state the more often they are strengthened by our authority as well as by the protection of a general council. We readily supply effective care for the preservation of such things in order that the kings and peoples of the kingdoms in question, full of gladness in the Lord because of such concessions, privileges, statutes and regulations, may rest together in the sweetness of peace, quiet and delight and may persevere more fervently in their accustomed devotion to the same see.

Recently, in order that the church, our spouse, might be kept in a holy union and use might be made by Christ's faithful of the sacred canons issued by Roman pontiffs and general councils, we ordained and decreed, with the unanimous advice and consent of our said brothers, the cardinals of the holy Roman church, certain constitutions that had been treated with our dearly beloved son in Christ, Francis, the most Christian king of France, while we were at Bologna with our curia, and which were to take the place of the Pragmatic Sanction and the things contained in it, for the sake of peace and harmony in the kingdom of France and for the general and public advantage of the kingdom. These constitutions were carefully examined by our said brothers, agreed upon with the said

¹ That is, the bull of Sixtus IV *Regimini universalis*, 31 Aug. 1474, containing all the privileges of the friars minor of St Francis, in which the other mendicant orders shared (BR 5, 217-223).

² Pro 8, 15-16. ³ See Jer 1, 10.

regis legitimum procuratorem acceptatas, de eorumdem fratrum consilio et unanimi consensu statuimus et ordinavimus, prout in nostris literis desuper confectis plenius continetur quarum tenor sequitur, et est talis: *Primitiva illa ecclesia . . .*¹

Nos igitur, ut literae ipsae, quae ob id praecipue editae fuerunt, ut in corpore mystico, sancta videlicet ecclesia, perpetua caritas et pax inviolata perdurent, et si qua membra dissentiant, ea commode suo reinserantur corpori, eo magis observentur, quo clarius constiterit ipsas literas ea matura et salubri deliberatione ac nobis, dicto sacro Lateranensi approbante concilio, approbatas et innovatas, quae statutae et ordinatae fuerunt, licet ad earumdem literarum subsistentiam et validitatem, alia approbatione non indigerent, ad abundantio tamen cautelam, ut eo tenacius observentur, et difficilius tollantur, quo tantorum patrum fuerint maiore approbatione munitae, literas praedictas cum omnibus et singulis statutis, ordinationibus, decretis, diffinitionibus, pactis, conventionibus, promissione, voluntate ac poenis, inhibitione, aliisque omnibus et singulis clausulis in eis contentis, illa praesertim, qua volumus, quod si praefatus Francorum rex supradictas literas, ac omnia et singula in eis contenta, intra sex menses a data praesentium computandos non approbaret et ratificaret, et ea perpetuis futuris temporibus in regno suo et aliis locis et dominiis dicti regni, per omnes praelatos et alias ecclesiasticas personas ac curias parlamentorum acceptari, legi, publicari, iurari et registrari ad instar aliarum constitutionum regiarum, et de acceptatione, lectione, publicatione, iuramento et registratione praedictis intra praedictum tempus per omnium et singulorum supradictorum patentes literas, aut authenticas scripturas nobis non transmitteret, aut nuntio nostro apud ipsum regem existente per eum ad nos destinandum non consignaret, et deinde singulis annis etiam legi, prout aliae ipsius Francorum regis constitutiones et ordinationes, quae in viridi sunt observantia, observari debent, inviolabiliter observari cum effectu non fecerit, literae ipsae et inde secuta, quaecumque essent, cassa et nulla, nulliusque roboris vel momenti, sacro Lateranensi concilio approbante, apostolica auctoritate, et potestatis plenitudine approbamus, et innovamus, easque inviolabiliter et irrefragabiliter observari et custodiri mandamus, roburque perpetuae firmitatis in eventum dictarum approbationis et ratificationis, et non aliter, nec alio modo obtinere, omnesque in dictis literis comprehensos, ad ipsarum literarum ac omnium et singulorum in eis expressorum observationem, sub censuris et poenis ac aliis in eis contentis, iuxta earumdem literarum tenorem et formam, teneri et obligatos esse decernimus et declaramus, non obstantibus constitutionibus et ordinationibus apostolicis, ac omnibus illis, quae in dictis literis volumus non obstare ceterisque contrariis quibuscumque. Nulli ergo . . . Si quis autem . . .

a om. Msi

¹ Msi 32, 948-963; *Raceolta di concordati su materie ecclesiastiebe tra la Santa Sede e le autorità cimis*, a cura di A. Mercati, I Roma *1954, 233-251.

king on their advice, and accepted by a legitimate procurator of the king. Their contents are contained rather fully in our letter which follows, *Primitiva ilia ecclesia...*¹

The letter has been published chiefly in order that continuing charity and unbroken peace may abide in the mystical body, the church, and that any dissenting members may be re-grafted into the body in a convenient way. The letter will be better observed according as it is more clearly established that it has been approved and renewed by us, after mature and healthy consideration, with the approval of the said Lateran council. Although there is no need of another approval for the validity and reality of the same letter, however, to provide an ampler surety so that observance may be firmer and abolition more difficult, greater strength will be given to it by the approval of so many fathers. Therefore, with the approval of the sacred Lateran council, by apostolic authority and fullness of power, we approve and renew, and order to be observed and maintained in their totality and without change, the said letter together with each and every statute, ordinance, decree, explanation, agreement, compact, promise, wish, penalty, restraint and clause contained in it; especially the clause by which it was our will that if the said king of France does not approve and ratify the aforesaid letter, and each and every thing contained in it, within six months from the date of this present letter, and does not arrange for the contents to be read, published, sworn to and registered, like all other royal constitutions, in his kingdom and in all other places and lordships of the said kingdom, for all future time without limit, by all the prelates and other ecclesiastical persons and courts of parlements, and if he does not convey to us, within the said six months, letters patent or authentic written documents concerning each and all of the aforesaid matters about the acceptance, reading, publication, oath and registration referred to, or does not deliver them to our nuncio attached to the king, in order to be passed on by him to us, and does not subsequently arrange for the letter to be read each year and effectively observed without alteration exactly as other binding constitutions and ordinances of the king of France have to be observed, then the letter itself and whatever follows from it are null and void and of no force or value.

We decree and declare that the enduring effect only continues in the event of the said ratification and approval, and not otherwise or in any other way, and that all who are included in the said letter, regarding the observance of the actual letter and of each and every thing set down in it, are bound and obliged by the censures and penalties and other things contained in it, in accordance with the meaning and form of the same letter. This is notwithstanding apostolic constitutions and ordinances, all those things which we did not wish to oppose in the said letter, and any other things of any kind to the contrary. Let nobody therefore ... If anyone however...

¹ Msi 32, 948-963; *Raccolta di concordati su materie ecclesiastiche tra la Santa Sede e le autorità civili*, edited by A. Mercati, I Rome, 21954, 233-251.

[Super abrogatione pragmaticae sanctionis]

Leo episcopus servus servorum Dei, ad perpetuam rei memoriam, sacro approbante concilio. *Pastor aeternus gregem suum*¹ usque ad consummationem saeculi² nunquam deserturus, ita, Apostolo teste, obedientiam dilexit, ut
 5 pro expiando primi parentis inobedientiae peccato *seipsum humiliaverit, factus obediens usque ad mortem*³; migraturus vero *ex mundo ad Patrem*^{*}, in soliditate petrae Petrum eiusque successores vicarios suos instituit⁵ quibus ex libro Regum testimonio[®] ita obedire necesse est, ut qui non obedi-
 10 Romani pontificis cathedram deserit: quoniam Augustino Gregorioque auctoribus, *sola obedientia est mater custosque omnium virtutum*¹, *sola fidei meritum possidens*³: sine qua, quisque infidelis convincitur, etiamsi fidelis esse videatur. Itaque nos, eodem Petro docente, solliciti esse debemus, ut quae a Romanis pontificibus praedecessoribus nostris, praesertim in
 15 sacris conciliis pro obedientiae huiusmodi, auctoritatis libertatisque ecclesiasticae, et sedis apostolicae defensione, mature et ex legitimis causis inchoata sunt, nostris studio, cura et diligentia debite absolvantur et ad optatum finem perducantur: simplicium quoque animae, quarum etiam rationem Deo reddituri sumus⁹, a dolis et laqueis tenebrarum
 20 principis liberentur¹⁰. Sane felicitis recordationis Julius papa secundus praedecessor noster, post indictum et legitimis tunc expressis causis, de venerabilium fratrum suorum sanctae Romanae ecclesiae cardinalium, de quorum numero tunc eramus, consilio et assensu, sacrum Lateranense concilium, provide considerans cum eodem sacro Lateranensi concilio
 25 Bituricensem regni Franciae corruptelam, quam illi pragmaticam sanctionem vocant, cum maximo animarum periculo et scandalo, ac dignitatis sedis apostolicae detrimento et vilipendio, retroactis temporibus viguisse et adhuc vigere, eiusdem pragmaticae sanctionis negotium, eodem approbante concilio, discutiendum certis tunc nominatim deputatis cardinalibus
 30 et praelatis certae congregationis commisit. Et quamquam sanctio praefata ex multis nullitati notorie subiaceret, schismaque manifestum foveret et contineret, et propterea, citatione aliqua minime praecedente, per se irrita, nulla et invalida declarari potuisset; ex abundanti tamen cautela idem Iulius praedecessor Gallicos praelatos, capitula ecclesiarum et monaste-
 35 riorum, parlamenta, et laicos illis faventes, et dicta sanctione utentes, omnesque et singulos alios in praemissis sua communiter vel divisim interesse putantes, per edictum publicum, cum ad partes illas tutus tunc non pateret accessus, in Mediolanensis, Astensis et Papiensis ecclesiarum valvis affigendum, monuit et citavit, ut infra tunc expressum terminum,
 40 coram eo et dicto concilio comparerent, causasque dicerent, quare sanctio praefata, illiusque corruptela et abusio in concernentibus auctoritatem

¹ Praefatio apostolorum. * Mt 28,20. * Ph 2, 8. * Io 13,1.

⁵ Cf. Io 21,15-17; Mt 16,18-19. · Cf. Dt 17, 12.

⁷ Augustinus, *De à». Dei*, XIV 12 (CSEL 40, 30; PL 41, 420).

⁹ Gregorius M., *Moralium*, XXXV 28 (PL 76,765).

¹⁰ Hcb 13,17. 10 Cf. Col 1,13; Eph 6,12.

[On the abrogation of the Pragmatic Sanction]

Leo, bishop, servant of the servants of God, with the approval of the sacred council, for an everlasting record. *The eternal Father*, who will never abandon *his flock' up to the close of the age*², so loved obedience, as the Apostle testifies, that to make expiation for the sin of disobedience of the first parent, *he humbled himself and became obedient unto death*³. Moreover, when he was about to depart *from the world to the Father*⁴, he established Peter and his successors as his own representatives on the firmness of a rock⁵. It is necessary to obey them, as the book of the Kings testifies⁶, so that whoever does not obey, incurs death. As we read in another place, the person who abandons the teaching of the Roman pontiff cannot be within the church; for, on the authority of Augustine and Gregory, *obedience alone is the mother and protector of all virtues*⁷ *it alone possessing the reward of faith*⁸. Therefore, on the teaching of the same Peter, we ought to be careful that what has been introduced in due season and for sound reasons by our predecessors the Roman pontiffs, especially in sacred councils, for the defence of obedience of this kind, of ecclesiastical authority and freedom, and of the apostolic see, should be duly discharged by our effort, devotion and diligence and be brought to the desired conclusion. The souls of the simple, of whom we shall have to render an account to God⁹, are to be freed from the deceits and snares of the prince of darkness¹⁰. Indeed, our predecessor of happy memory, pope Julius II, summoned the sacred Lateran council for lawful reasons which were then made clear, on the advice and with the consent of his venerable brothers, the cardinals of the holy Roman church, among whom we were then numbered. Together with the same sacred Lateran council, he pondered on the fact that the corruption of the kingdom of France at Bourges, which they call the Pragmatic Sanction, had been strong in the past and was still vigorous, resulting in very great danger and scandal to souls, and a loss and cheapening of respect for the apostolic see. He therefore entrusted discussion of the Pragmatic Sanction to specifically named cardinals and to the prelates of a certain congregation.

Although the aforesaid sanction should clearly be subject to nullity on many counts, and was supporting and preserving open schism, and therefore it could have been declared to be essentially of no effect, null and invalid, without the need for any preceding formal citation, yet, from a great sense of caution, our same predecessor Julius, by a public edict — which was to be fixed to the church doors of Milan, Asti and Pavia, since there was then no safe access to France — gave warning and summoned the prelates of France, the chapters of churches and monasteries, the parlements and the layfolk supporting them and making use of the said sanction, and each and all of the rest who were thinking that there was some advantage for them in the foregoing individually or collectively, to appear before him and the said council within a fixed period, which was then clearly stated, and to declare the reasons why the aforesaid sanction, and its

¹ Preface of Apostles. ² Mt 28, 20. ⁵ Ph 2, 8. ⁴ Jn 13, 1.

⁵ See Jn 21, 15-17; Mt 16, 18-19. ⁶ See Dt 17, 12.

Augustine, *De civ. Dei* (*The City of God*), XIV 12 (CSEL 40, 30; PL 41, 420).

⁸ Gregory the Great, *Moralium* (*Morals*), XXXV 28 (PL 76, 765).

⁹ Heb 13, 17. ¹⁰ See Col 1, 13; Eph 6, 12.

Romanae ecclesiae, et sacrorum canonum, ac ecclesiasticae libertatis violationem, nulla et invalida declarari non deberet. Cumque dicto Iulio praedecessore in humanis agente, diversis impedimentis causantibus, citatio exequi et reproduci, ac negotium abrogationis huiusmodi plene discuti, ut intentio ipsius Iulii praedecessoris fuerat, non potuisset, sed eodem Iulio praedecessore rebus humanis exempto, citatio ipsa legitime exécuta, et per procuratorem fiscales sacri concilii promotorem reproduce, ipsorumque citatorum non comparentium contumacia accusata, et ad ulteriora procedi petitum fuisset; nos, divina favente clementia ad summi apostolatus apicem assumpti, omnibus rite pensatis, petitioni praedictae ex certis causis nullum tunc responsum dedimus. Ac deinde cum per dictos monitos et citatos diversa impedimenta allegarentur, quare in termino eis (ut praefertur) praefixo comparere non potuissent, ut omnis iustae excusationis et querelae occasio eis auferretur, terminum citationis et monitionis huiusmodi praefixum, eodem sacro approbante concilio ad alium tunc expressum terminum iam diu effluxum in diversis sessionibus pluries prorogavimus.

Cum autem moniti et citati praedicti, sublatis iam omnibus impedimentis, effluxisque omnibus terminis, coram nobis et dicto concilio non comparuerint, nec comparere curaverint, ad allegandam causam, quare sanctio praedicta nulla declarari non debeat, ita ut excusationi ultra locus non sit, possintque merito contumaces reputari, prout eos exigente iustitia reputamus: nos mature attendentes pragmaticam sanctionem, vel potius, ut dictum est, corruptelam, schismatis tempore a non habentibus potestatem editam, reliquae christianae reipublicae ecclesiaeque sanctae Dei nullatenus conformem, et a clarae memoriae Ludovico XI Francorum rege christianissimo revocatam, cassatam, atque abolitam, auctoritatem, libertatem, ac dignitatem dictae sedis violare ac diminuere, facultatemque Romani pontificis pro tempore existentis de sanctae Romanae ecclesiae cardinalium pro universali ecclesia assidue laborantium, virorumque doctorum personis, quibus abundat curia, et quorum consiliis sedis apostolicae et Romani pontificis atque universalis ecclesiae auctoritas et potestas conservatur, negotiaque diriguntur, et in prospero statu confoventur, ecclesiis et monasteriis, eisdemque personis de reliquis beneficiis ecclesiasticis iuxta eorum status exigentiam providendi, penitus auferre, praelatis vero ecclesiasticis illarum partium causam praebere, ut ipsi nervum ecclesiasticae disciplinae obedientiae sanctum frangant et violent, ac contra nos et sedem praedictam eorum matrem cornua erigant, et eis ad praemissa audendum viam aperire, ipsamque notorie nullitati subiacere, nulloque nisi alicuius temporis seu potius tolerantiae cuiusdam adminiculo fulciri, et si Romani pontifices praedecessores nostri praefati, prout ipsi suo tempore summopere optare demonstrarunt, corruptelam et abusionem huiusmodi, vel malignitate temporum, vel alias illi providere, et in totum occurrere non valentes, suis temporibus tolerasse visi fuerunt, considerantes tamen ab ipsius Bituricensis sanctionis editione vix annos septuaginta fluxisse, nullumque infra hoc temporis spatium praeter hoc Lateranense concilium legitime

corruptive and abusive effect in matters touching on the authority of the Roman church and the sacred canons, and on the violation of ecclesiastical liberty, should not be declared null and invalid. During the lifetime of the said Julius, our predecessor, various obstacles made it impossible to implement the summons or to discuss fully the business of the abrogation, as had been his intention. After his death, however, the summons, in full lawful form, was again brought forward by the promoter of the sacred council, the procurator fiscal. Those summoned and not presenting themselves were accused of obstinacy and the request was made for matters to be taken further. At the time we, who have been brought to the highest peak of the apostolate by the favour of the divine mercy, after duly considering the whole situation, gave no response to the request, for definite reasons. Later, when a variety of impediments were being alleged by the said persons who had been warned and summoned, as to why they had been unable to present themselves at the appointed time (as stated above), we postponed, several times at several sessions, with the approval of the sacred council, the date fixed by the said summons and warning to later dates, which have now long gone past, so that all occasion for just excuse and complaint might be taken away from them.

Although all obstacles have been removed and all dead-lines have passed, nevertheless the aforesaid persons, despite being warned and summoned, have not appeared before us and the said council, nor taken any steps to appear, in order to bring forward a reason why the said sanction should not be declared null. There is therefore no longer room for any excuse. They can justly be regarded as obstinate; as indeed, by the demands of justice, we reckoned them to be. We are therefore thinking seriously about this Pragmatic Sanction, or rather corruption, as has been stated, which was issued at the time of the schism by those who did not have the necessary power, and which is not at all in accord with the rest of the Christian state or with God's holy church. It was revoked, made void and abolished by the most Christian king of France, Louis XI, of distinguished memory. It damages and lessens the authority, liberty and dignity of the apostolic see. It completely removes the power of the Roman pontiff to provide both cardinals of the holy Roman church, who work earnestly on behalf of the universal church, and learned men, with churches, monasteries and other benefices, in accordance with the demands of their status, even though such persons are numerous in the curia and it is by their counsel that the authority and power of the apostolic see, the Roman pontiff and the whole church is kept safe and its affairs guided and promoted into a prosperous state. Thus it offers excuses to church prelates of the aforesaid faction for breaking and violating the sacred nerve of obedience to ecclesiastical discipline and for setting up opposition against us and the apostolic see, their mother, and it opens the way for them to attempt such things. Clearly it is subject to nullity and is to be supported by no *prop* except of a temporary nature, or rather, of a kind of tolerance. Our predecessors as Roman pontiffs, for all their high hopes expressed in their own days, may have seemed to have tolerated this corruption and abuse, not being able to confront it completely either because of the evil nature of the times or because they were providing for it in some other way. We remember, however, that almost seventy years have passed since the publication of this sanction of Bourges, and that no council has been lawfully held within this time except the

fuisse celebratum, in quo cum (disponente Domino) constituti simus, ab eiusdem improbae sanctionis extirpatione et totali annulatione sine nostra et tantorum patrum in praesenti concilio congregatorum nota, ac nostrae et dictorum illa utentium animarum periculo, abstinere seu
s desistere non posse, Augustino testel, iudicamus atque censemus.

Et sicut piae memoriae Leo papa I praedecessor noster, cuius in hoc libenter, quoad possumus, vestigia imitamur, ea quae in secunda Ephesina synodo³ temere contra iustitiam et catholicam fidem gesta fuerunt, postmodum in Chalcedonensi concilio³ mandavit ac fecit, pro dictae fidei firmitate revocari: ita et nos a tam nefariae sanctionis et contentorum in ea rev¹ tione, retrahi aut desistere, salva conscientia, ac nostro et ipsius ecclesiae honore, non posse, aut debere, censemus. Nec illud nos movere debet, quod sanctio ipsa, et in ea contenta, in Basileensi concilio edita⁴, et ipso concilio instante, a Bituricensi congregatione recepta et acceptata
is fuerunt, cum ea omnia post translationem eiusdem Basileensis concilii, per felicis memoriae Eugenium papam IV, etiam praedecessorem nostrum factam, a Basileensi conciliabulo, seu potius conventicula, quae praesertim post huiusmodi translationem concilium amplius appellari non merebatur, facta extiterint, ac propterea nullum robur habere potuerint: cum etiam solum Romanum pontificem pro tempore existentem, tamquam auctoritatem super omnia concilia habentem, conciliorum⁴ indicendorum, transferendorum, ac dissolvendorum plenum ius et potestatem habere, nedum ex sacrae scripturae testimonio, dictis sanctorum patrum, ac aliorum Romanorum pontificum etiam praedecessorum nostrorum, sacrorumque canonum decretis, sed propria etiam eorumdem conciliorum confessione manifeste constet: quorum aliqua referre placuit, reliqua vero, utpote notoria, silentio praeterire. In Alexandrina enim synodo, Athanasio ibidem existente, Felici Romano pontifici ab eadem synodo scriptum fuisse legimus, Nicaenam synodum statuuisse non debere absque Romani pontificis auctoritate concilia celebrari⁵* Neque nos latet, etiam eundem Leonem pontificem Ephesinam secundam synodum ad Chalcedonem transtulisse*; Martinum etiam papam V praesidentibus suis in concilio Senensi potestatem transferendi concilium nulla consensu ipsius concilii mentione habita dedisse⁷; Ephesinam quoque primam synodum Caelestino⁸*, ac Chalcedonensem eidem Leoni⁹, sextam Agathonio¹⁰, septimam Hadriano¹¹, octavam Nicolao, octavam etiam Constantinopolitanam syno-

a tam conciliorum *Mti*

1 Augustinus, *Contra duas ep. Pelag.*, II 3, 5 (CSEL 60, 465; PL 44, 574).

1 Conc. Eph. II (449) [= latrocinium]. * Cf. supra p.75.

4 Cf. H-L 7/2, 1056-1060. * Epistola spuria (Msi 3, 404; PG 28, 1473).

* Nunquam haec translatio accidit, sed tunc res certa putabatur.

7 Bulla *Nuper siquidem* (Msi 29, 8-9; Mxv 2, 51-52).

» Conc. Eph. (431) - Papa Celestinus I (422-432).

* Conc. Chalc. (451) - Papa Leo I (440-461).

10 Conc. Constantin. III (680-681) - Papa Agatho (678-681).

u Conc. Nie. II (787) - Papa Hadrianus (772-795).

present Lateran council. Since we have been placed in this council by the Lord's disposition, we therefore judge and resolve, with Augustine as our witness¹, that we cannot refrain or desist from the eradication and total annulment of the same vile sanction if we are to avoid disgrace to ourself and to the many fathers assembled in the present council as well as to avoid danger to our own soul and those of the above-mentioned persons using it.

Just as pope Leo I, our predecessor of holy memory, whose footsteps we readily follow insofar as we can, gave orders and brought to pass that the measures which had been rashly carried out at the second synod of Ephesus², contrary to justice and the catholic faith, were later revoked at the council of Chalcedon³, for the sake of the constancy of the same faith, so we too judge that we cannot, or ought not to, withdraw from or abandon the revocation of so evil a sanction and its contents if we are to preserve our own honour, and that of the church, with a safe conscience. The fact that the sanction and its contents were published at the council of Basel and, at the instance of the same council, were received and recognised by the meeting at Bourges, ought not to influence us since all those happenings after the transfer of the same council of Basel⁴ took place — the transfer being made by pope Eugenius IV, our predecessor of happy memory — have remained the deeds of the quasi-council, or rather the conventicle, of Basel. For, especially after that transfer, it did not deserve to be called a council any more and therefore its acts could not have any force. For it is clearly established that only the contemporary Roman pontiff, as holding authority over all councils, has the full right and power to summon, transfer and dissolve councils. This we know not only from the witness of holy scripture, the statements of holy fathers and our predecessors as Roman pontiffs, and the decisions of the sacred canons, but also from the declarations of the same councils. Some of this evidence we have decided to repeat, and some to pass over in silence as being sufficiently well known.

Thus we read that the synod of Alexandria, at which Athanasius was present, wrote to Felix, bishop of Rome, that the council of Nicaea had decided that councils ought not to be celebrated without the authority of the Roman pontiff⁵. Pope Leo I transferred the second council of Ephesus to Chalcedon⁶. Pope Martin V authorised his presidents at the council of Siena to transfer the council, with no mention being made of the council's consent⁷. The greatest respect was shown to our predecessors as Roman pontiffs: to Celestine by the first synod of Ephesus⁸; to the said Leo by the synod of Chalcedon⁹; to Agatho by the sixth synod¹⁰; to Hadrian by the seventh synod¹¹; and to Nicholas and Hadrian by

¹ Augustine, *Contra duas ep. Pelag.* (*Against two letters of the Pelagians*), II 3, 5 (CSEL 60, 465; PL 44, 574).

² Council of Ephesus II (449) [= robber council].

³ See above p. 75.

⁴ See H-L 7/2, 1056-1060.

⁵ The letter is not genuine (Msi 3, 404; PG 28, 1473).

⁶ The transfer never happened, but it was then regarded as certain.

⁷ Bull *Nuper siquidem* (Msi 29, 8-9; Mxv 2, 51-52).

* Council of Ephesus (431) — Pope Celestine I (422-432).

⁹ Council of Chalcedon (451) — Pope Leo I (440-461).

¹⁰ Council of Constantinople III (680-681) — Pope Agatho (678-681).

¹¹ Council of Nicaea II (787) — Pope Hadrian I (772-795).

dum Hadriano¹* Romanis pontificibus praedecessoribus nostris maximam reverentiam exhibuisse, eorundemque pontificum institutionibus et mandatis in sacris conciliis per eos editis et factis, reverenter et humiliter obtemperasse. Unde Damasus papa et ceteri episcopi Romae congregati scribentes de concilio Ariminensi episcopis in Illyrico constitutis, prae- 5
indiciū aliquod per numerum episcoporum Arimini congregatorum fieri non potuisse testantur: quandoquidem constet, Romanum pontificem, cuius ante omnia decebat spectari decretum, talibus non praeuisse consensum²: eundemque Leonem pontificem, universis Siciliae episcopis scribentem, idem noluisse apparet³. Consueveruntque antiquorum con- 10
ciliorum patres, pro eorum, quae in suis conciliis gesta fuerunt, corroboratione a Romano pontifice subscriptionem approbationemque humiliter petere et obtinere prout ex Nicaena et Ephesina ac Calchedonensi huiusmodi et sexta Constantinopolitana et septima eadem Nicaena, et Romana sub Symmacho synodis habitis earumque gestis, nec non in Aimari libro de synodis manifeste colligitur⁴. Quod etiam novissime Constantienses patres fecisse constat⁵ quam laudabilem consuetudinem si Bituricenses et Basileenses secuti fuissent, huiusmodi molestia procul dubio careremus. Cupientes quoque huiusmodi negotium ad debitum finem perducere, ac tam vigore citationum hactenus a nobis, et praefato Iulio praedecessore 20
ex abundanti emanatarum, quam aliorum praemissorum, quae ita notoria sunt, ut nulla valeant excusatione aut tergiversatione celari, etiam ex nostro pastoralis officio procedentes, omnesque et singulos, tam iuris quam facti defectus, si qui forsan in praemissis intervenerint, supplentes, ex certa nostra scientia, et de apostolicae potestatis plenitudine, eodem sacro 25
approbante concilio tenore praesentium praefatam pragmaticam sanctionem seu corruptelam eiusque approbationem quomodolibet emanatam, omniaque et singula decreta, capitula, statuta, constitutiones, sive ordinationes in eodem quomodolibet contentas, seu etiam insertas, ac ab aliis prius editas, nec non consuetudines, stylum, usus sive potius abusus, ex 30
ea in hanc usque diem quomodolibet emanatos seu observatos, nullius roboris vel momenti fuisse et esse decernimus et declaramus. Nec non ad abundantio- rem cautelam eandem Bituricensem sanctionem sive corruptelam, eiusque approbationem tacitam vel expressam, ut praefertur, et in ea contenta omnia et singula etiam inserta quaecumque revocamus, 35
cassamus, abrogamus, irritamus, annullamus ac damnamus, et pro infectis, revocatis, cassatis, abrogatis, irritatis, annullatis, damnatis haberi volumus, decernimus et declaramus. Et cum de necessitate salutis existât omnes Christi fideles Romano pontifici subesse prout divinae scripturae et sanctorum patrum testimonio edocemur, ac constitutione felicis me- 40

¹ Cone. Constantin. IV (869-870) - Papa Nicolaus I (858-867) et Hadrianus (867-872).

» Theodoretus, *Hist. eccles.*, II 17 (22) (PG 82, 151-156).

² Leo I, *Ep.* 17 (PL 54,703-706).

³ Cf. c. 6 D. XVn (Fr 1, 52); Hincmarus Rhetnensis (?), *Ep. XXX ad episcopos*, 28 (PL 126, 205) et *Opuscula et epistolae quae spectant ad causam Hincmari Laudunensis*, 20 (PL 126, 359, 361, 362). * Cf. supra p. 450 n. 4.

the eighth synod, of Constantinople*. These councils submitted with reverence and humility to the instructions and commands of the same pontiffs which had been composed and issued by them in the sacred councils. Moreover, pope Damasus and the other bishops assembled at Rome, writing to the bishops at Illyricum about the council at Rimini, pointed out that the number of bishops assembled at Rimini counted for nothing since it was known that the Roman pontiff, whose decrees were to be preferred before all others, had not given his consent to their meeting¹. It appears that pope Leo I said the same when writing to all the bishops of Sicily³. It was customary for the fathers of the ancient councils humbly to ask for and obtain a warrant and approbation from the Roman pontiff in order to corroborate the matters dealt with in their councils. This is clear from the synods and their acts held at Nicaea, Ephesus, Chalcedon, the sixth synod at Constantinople, the seventh at Nicaea, the Roman synod under Symmachus and the synods in Haimar's book⁴. We would certainly be without these recent troubles if the fathers at Bourges and Basel had followed this laudable custom, which it is known that the fathers at Constance also finally adopted⁵.

We desire this matter to be brought to its proper conclusion. We are proceeding on the strength of the many citations issued by us and our said predecessor Julius, and of the other things mentioned above which are so notorious that they cannot be hidden by any excuses or evasions, as well as in virtue of our pastoral office. We are supplying for each and every defect, both of law and of fact, if perchance any happen to exist in the above. We judge and declare, from our certain knowledge and from the fullness of apostolic power, with the approval of the same sacred council, by the contents of the present document, that the aforesaid Pragmatic Sanction or corruption, and its approbations however issued, and each and every decree, chapter, statute, constitution or ordinance that is included, or even inserted, in any way in the same and has been published by others, as well as the customs, expressions and uses, or rather abuses, in any way resulting from it and observed until the present, have been and are of no force or value. In addition, for a more extensive safeguard, we revoke, make void, abrogate, quash, annul and condemn that same sanction or corruption of Bourges and its approval, whether expressed or tacit, as said above, as well as each and every thing of whatever nature included or even inserted in it; and we judge, declare and will them to be considered as of no effect, revoked, made void, abrogated, quashed, annulled and condemned. Moreover, since subjection to the Roman pontiff is necessary for salvation for all Christ's faithful, as we are taught by the testimony of both sacred scripture and the holy fathers, and as is declared by the constitution of pope Boniface VIII of happy memory', also our

¹ Council of Constantinople IV (869-870) — Pope Nicholas I (858-867) and Hadrian II (867-872).

² Theodori, *Hist. eccles. (Ecclesiastical History)*, II 17 (22) (PG 82, 1051-1056).

³ Leo I, *Ep. (Letters)* 17 (PL 54, 703-706).

⁴ See ch. 6 D. XVII (Fr 1, 52); Hincmar of Reims (?), *Ep. XXX ad episcopos*, 28 (PL 126.205) and *Opuscula et epistolae quae spectant ad causam Hincmari Laudunensis* 20 (PL 126, 359, 361, 362).

⁵ See above p. 450 n. 4.

moriae Bonifacii papae VIII similiter praedecessoris nostri, quae incipit: *Unam sanctam*¹, declaratur: pro eorumdem fidelium animarum salute, ac Romani pontificis et huius sanctae sedis suprema auctoritate, et ecclesiae sponsae suae unitate et potestate, constitutionem ipsam, sacro praesente
5 concilio approbante, innovamus et approbamus, sine tamen praeiudicio declarationis sanctae memoriae Clementis papae V quae incipit:
inhibentes in virtute sanctae obedientiae, ac sub poenis et censuris infra dicendis, omnibus et singulis Christi fidelibus, tam laicis quam clericis saecularibus, et quorumvis ordinum etiam mendicantium regularibus,
io et aliis quibuscumque personis, cuiuscumque status, et gradus, et conditionis existant, etiam sanctae Romanae ecclesiae cardinalibus, patriarchis, primatibus, archiepiscopis, episcopis, et quibusvis aliis ecclesiastica vel mundana, vel quavis alia dignitate fulgentibus, omnibusque aliis et singulis praelatis, clericis, capitulis, et conventibus saecularibus, et ordi-
« num praedictorum regularibus, etiam monasteriorum abbatibus, prioribus, ducibus, comitibus, principibus, baronibus, parlamentis, officialibus etiam regiis, iudicibus, advocatis, notariis et tabellionibus ecclesiasticis vel saecularibus, et quibusvis aliis personis ecclesiasticis regularibus et saecularibus, ut praefertur, quacumque dignitate fulgentibus, in praefato regno
«> Franciae, Delphinatu, et ubicumque praedicta pragmatica directe vel indirecte, tacite vel expresse vigeret, quomodolibet existentibus, vel pro tempore futuris, ne de cetero praefata pragmatica sanctione, seu potius corruptela, quomodolibet ex quavis causa, tacite vel expresse, directe vel indirecte, aut quovis alio quaesito colore vel ingenio, in quibuscumque
» actibus iudicialibus vel extra iudicialibus uti, seu etiam eam allegare, vel secundum eam iudicare, aut quosvis actus iudiciales vel extraiudiciales, secundum dictae pragmaticae tenorem vel capitula in ea contenta, per se vel alium seu alios nullatenus facere praesumant, aut per alios fieri permittant seu mandent, nec praefatam pragmaticam sanctionem, aut
so in ea contenta capitula seu decreta, ulterius in domibus suis, aut aliis locis publicis vel privatis teneant: quinimo illam ex quibus archivis etiam regiis, seu capitularibus, et locis praedictis, infra sex menses a data praesentium computandos, deleant seu deleri faciant, sub maioris excommunicationis latae sententiae, nec non quo ad ecclesiasticas et regulares per-
as sonas praedictas, omnium etiam patriarchalium, metropolitanarum, et aliarum cathedralium ecclesiarum, monasteriorum quoque et prioratum, etiam conventualium et quarumcumque dignitatum aut beneficiorum ecclesiasticorum saecularium, et quorumvis ordinum regularium privationis, et inhabilitatis ad illa in posterum obtinenda: quo vero ad saeculares, praefatae excommunicationis, nec non amissionis quorumcumque feudorum, tam a Romana quam alia ecclesia ex quavis causa obtentorum, ac etiam inhabilitatis ad illa in posterum obtinenda, inhabilitatisque ad omnes et singulos actus legitimos quomodolibet faciendos infamesque ac criminis laesae maiestatis in iure expressis poenis, eo ipso, et absque

¹ c. 1 I 8 in *Extras. comm.* (Jèt 2,1245-1246).

¹ c. 2 V 7 in *Extras, comm.* (Fr 2,1300).

predecessor, which begins *Unam sanctam*¹, we therefore, with the approval of the present sacred council, for the salvation of the souls of the same faithful, for the supreme authority of the Roman pontiff and of this holy see, and for the unity and power of the church, his spouse, renew and give our approval to that constitution, but without prejudice to the declaration of pope Clement V of holy memory, which begins *Meruit*².

In virtue of holy obedience and under the penalties and censures to be declared below, we forbid each and all of Christ's faithful, both laity and secular clergy, and regulars of whatever order including mendicants, and other persons without restriction, of no matter what status, rank or condition they may be, including cardinals of the holy Roman church, patriarchs, primates, archbishops, bishops, and any others distinguished by ecclesiastical or worldly or any other honour, and each and all other prelates, clerics, chapters, secular convents, regulars of the aforesaid orders, including abbots and priors of monasteries, dukes, counts, princes, barons, parlements, royal officials, judges, advocates, notaries and scribes, both ecclesiastical and secular, and any other regular or secular ecclesiastics in any high office, as said above, who are now or shall be living in the said kingdom of France and the Dauphiné and wherever the said Pragmatic has been in force directly or indirectly, silently or openly, to presume to make use of the aforesaid Pragmatic Sanction, or rather corruption, in any way or for any reason, by keeping silence or by clear speech, directly or indirectly, or by any other excuse or clever evasion, in any judicial or extra-judicial acts, or even to appeal to it or make judgments on its terms, or to quash, by themselves or through another or others, any judicial or extra-judicial acts on the grounds of the general meaning of the said sanction or of parts of it, and they may not permit or order these things to be done by means of others. They are not to keep the aforesaid Pragmatic Sanction, or sections or decrees contained in it, in their own houses or in other public or private places. Indeed, they are to destroy it, or have it destroyed, in archives, including royal and capitular ones, and in the above-mentioned places within six months from the date of this present letter.

The penalties to be incurred, automatically and without the need for any further declaration, for each and all of the aforesaid persons, if they act to the contrary (though may they not!), are immediate major excommunication, the incapacity for all and singular legal acts of any kind, being branded as infamous, and the penalties expressed in the law of treason; in addition for the aforesaid ecclesiastical and religious persons, the loss of all patriarchal, metropolitan and other cathedral churches, of all monasteries, priories and convents, and of all secular dignities and ecclesiastical benefices, as well as the inability to hold them in the future; and in addition for secular persons, the loss of any fiefs held for any

¹ ch. 1 I 8 in *Extrav. comm.* (Fr 2, 1245-1246).

² ch. 2 V 7 in *Extrav. comm.* (Fr 2, 1300).

ulteriori declaratione per omnes et singulos supradictos, si (quod absit) contra fecerint, incurrendis: a quibus vigore cuiuscumque facultatis, ac clausularum etiam in confessionalibus, quibusvis personis sub quibusvis verborum formis concessis, contentarum, nisi a Romano pontifice canonice intrante, vel alio ab eo ad id in specie facultatem habente, praeterquam in mortis articulo constituti, absolvi nequeant. Non obstantibus praemissis, nec non constitutionibus et ordinationibus, decretis ac statutis, apostolica, seu quacumque alia etiam conciliari auctoritate quomodolibet, etiam ex certa scientia et apostolicae potestatis plenitudine editis et emanatis, et saepius innovatis, repetitis, confirmatis et approbatis, quibus illorum omnium et singulorum tenores, ac si de verbo ad verbum insererentur, ad effectum praemissorum, pro sufficienter expressis et insertis habentes, illis alias in suo robore permansuris, scientia, potestate et tenore praemissis, specialiter et expresse derogamus contrariis quibuscumque: aut si communitatibus, universitatibus, et personis singulis supranominatis, etiam cardinalibus, patriarchis, archiepiscopis, episcopis, marchionibus, et ducibus praefatis, vel quibusvis aliis, communiter vel divisim ab eadem sit sede indultum, quod interdicti, suspendi vel excommunicari, aut propterea privari, et inhabiles reddi non possint per literas apostolicas non facientes plenam et expressam, ac de verbo ad verbum, de induito huiusmodi mentionem: et quibuscumque aliis privilegiis, indulgentiis et literis apostolicis generalibus, vel specialibus, quorumcumque tenorum existant, per quae praesentibus non expressa, vel totaliter non inserta, effectum earundem impediri valeat quomodolibet vel differri, et de quibus, quorumque tenoribus de verbo ad verbum habenda sit in nostris literis mentio specialis. Nulli ergo ... Si quis autem ...

[Super religiosos et eorum privilegia]

Leo episcopus servus servorum Dei, ad perpetuam rei memoriam, sacro appro! te concilio. Dum intra mentis arcana revolvimus, et diligenti consideratione pensamus operosa solitudinis studia, continuosque labores pro divini nominis gloria, exaltatione catholicae fidei, ecclesiae unitate servanda, et institutione ac salute fidelium animarum per coepiscopos eorumque superiores, in diversis orbis partibus, ad regimen suarum ecclesiarum a sede apostolica constitutos, nec non per fratres diversorum ordinum, praesertim mendicantium, indefesse et indesinenter impensos, tanta ex eorum in vinea Domini fructuosis operibus, et opportune ac laudabiliter gestis, cordi nostro provenit satisfactio, ut iis quae ad pacem et quietem inter eos conservandam conducere cognoscimus, omni studio intendamus. Novimus enim episcopos ipsos in partem solitudinis nostrae assumptos fuisse, quorum honor et sublimitas, teste Ambrosio¹, nullis potest comparationibus adaequari. Religiosos etiam in agro dominico pro christianae religionis defensione et ampliacione complura fecisse, ac uberes fructus protulisse, et in dies singulos proferre, ita ut eorumdem

¹ Ambrosiaster, *Comment, in XIII ep. pani.*, 1 Cor 12,18 (PL 17, 263).

reason from the Roman or some other church, and the inability to hold them in the future. They cannot be absolved from these penalties by any faculty or by clauses contained in privileges regarding the hearing of confessions, no matter by what persons or verbal formulae they may have been granted. Except when at the point of death, they can only be absolved by the Roman pontiff acting canonically or by someone else having a faculty from him specifically for that purpose.

By the knowledge, power and statements mentioned above we expressly and specifically repeal anything to the contrary. This is notwithstanding anything mentioned above as well as constitutions, ordinances, decrees and statutes, however they may have been published and granted, and frequently renewed, repeated, confirmed and approved, as enduring in their force, by apostolic or any other authority, even conciliar authority and even by our certain knowledge and fullness of apostolic power, the tenor of all of which we regard as sufficiently expressed and included, for the purposes of the above, as if they had been inserted herein word for word; notwithstanding if the apostolic see has granted to any communities and universities, and any individual persons mentioned above, even if they are the aforesaid cardinals, patriarchs, archbishops, bishops, marquises and dukes, or any others, whether individually or communally, that they cannot be interdicted, suspended, excommunicated, deprived or incapacitated by apostolic letters which do not make full and express mention, word for word, of the induit in question; and notwithstanding any other general or special privileges, indulgences and apostolic letters, of whatever tenor they may be, by means of which, because they are not expressed or included in whole in the present letter, the effect of the above might be impeded or deferred in any way, since special mention of their contents is to be regarded as included, word for word, in this our letter. Let nobody therefore ... If anyone however ...

[On religious and their privileges]

Leo, bishop, servant of the servants of God, with the approval of the sacred council, for an everlasting record. We consider and diligently ponder the hard-working and anxious zeal, and the unending labours for the glory of the divine name, for the triumph of the catholic faith and the preservation of the church's unity, and for the training and salvation of the souls of the faithful, which are carried on by bishops and their superiors, who have been placed by the apostolic see at the head of their churches in different parts of the world, as well as by the friars of the different orders, especially the mendicant orders, who are engaged without respite or rest. So great is the satisfaction that has reached our heart, as a result of their fruitful labours in the Lord's vineyard and their opportune and praiseworthy actions, that we are devoting every effort to encourage the things which we know to contribute to the preservation of peace and quiet among them. We are conscious that the bishops have become partners in our anxiety. Ambrose¹ bears witness that their distinction and greatness have no possible equal. We also know that religious have done much in the field of the Lord for the defence and advance of the Christian religion and that they have produced and are daily producing abundant fruit. Consequently, all of the faithful are

Ambrosiaster, *Comment, in XIII ep. pani.*, 1 Cor 12, 18 (PL 17, 263).

episcoporum ac religiosorum bonis operibus orthodoxam fidem incrementa sumpsisse, et per orbem terrarum undique dilatatam fuisse, fidelium nullus ignoret. Et sicut ipsi saepenumero vigilantissima et solerti cura schismata in Dei ecclesia extinguere, et ecclesiae unitatem reddere, et ut
s eidem ecclesiae pacis tranquillitas daretur, innumeros labores subire non dubitarunt: ita quoque par est, eos inter se nostris provisionibus pacis vinculo, ac fraterna caritate et unitate coniungi ut eorum concordia doctrina et mutuis operibus uberiores in ecclesia Dei fructus proveniant. Sane cupientes, ut iura spiritualia, quae ad Dei laudem et Christi fidelium
io animarum salutem pertinent, et quorum exercitium praefatis episcopis et eorum superioribus in suis dioecesibus, cum ipsi in partem sollicitudinis, ut praefertur, assumpti, ac dioeceses distinctae et cuilibet eorumdem episcoporum assignatae fuerunt, commissum extitit, ut per ipsos episcopos exercean-
is illaesum praeservetur: et si aliqua dictis fratribus mendicantibus in eorumdem episcoporum laesionem per Romanos pontifices praedecessores nostros et sedem apostolicam concessa fuerint, concessionem huiusmodi eisdem religiosis factas, in subsequentibus duximus moderandas, ut ipsi fratres potius ab eisdem episcopis omni cum caritate foveantur, quam
eo aliquo modo molestentur et inquietentur. Una enim est regularium et saecularium, praelatorum et subditorum, exemptorum et non exemptorum universalis ecclesia, extra quam nullus omnino salvatur, eorumque omnium *unus Dominus, una fides*¹: et propterea decet eos, qui eiusdem sunt corporis², unius etiam esse voluntatis. Et sicut fratres nexu invicem caritatis adstricti sunt, sic non convenit alterum in alterius iniuriam seu iacturam
25 prosilire, dicente Salvatore: *Hoc est praeceptum meum ut diligatis invicem, sicut dilexi vos*. Ad conservandam igitur inter episcopos et eorum superiores ac praelatos et fratres huiusmodi mutuam caritatem et benevolentiam, divini quoque cultus augmentum, pacemque et tranquillitatem universalis ecclesiae status, quod ita demum fieri posse cognoscimus, si unicuique, quantum fieri potest, sua iurisdictio conservetur, sacro approbante concilio statuimus et ordinamus, quod episcopi et eorum superiores et alii praelati praefati parochiales ecclesias ad eosdem fratres ratione locorum suorum legitime spectantes, quo ad ea, quae ad parochianorum curam, et sacramentorum conservationem administrationemque pertinent, sine tamen visitorum insolito gravamine vel impensa, visitare, et illarum curam gerentes, et circa illam delinquentes, si religiosi fuerint, iuxta
ipsius ordinis regularia instituta intra septa regularis loci, saeculares vero presbyteros, et fratres huiusmodi beneficia obtinentes, libere tamquam
40 suae iurisdictioni subiectos punire. Ac tam praelati quam presbyteri saeculares, qui vinculo excommunicationis ligati non fuerint, missas in ecclesiis domorum eorumdem devotionis causa celebrare volentes, celebrare possint: ipsique fratres tales celebrare volentes libenter recipere debeant; ac ab eisdem praelatis ad processiones solemnes pro tempore
45 faciendas requisiti, dummodo eorum loca suburbana ultra unum mil-

* Eph 4, 5. 1 Cf. Eph 4,4. » Io 15,12.

aware that the good works of these bishops and religious have enabled the true faith to make progress and to spread everywhere throughout the world.

These men have likewise not hesitated on innumerable occasions, with much dedication and competence, to destroy the schisms in God's church, to bring unity to that church and to undergo innumerable pains so that the same church might gain the quiet of peace. Therefore it is just that we direct our efforts so to unite them to one another by the bond of peace and by a fraternal unity and charity that, linked in unity of doctrine and actions, they may foster more abundant fruits in God's church. The exercise of spiritual rights, which concern the glory of God and the salvation of the souls of Christ's faithful, has been entrusted to bishops and their superiors in their respective dioceses, since they have been chosen to be sharers of our burden, as we have already said, and since dioceses with defined boundaries have been assigned to each of the bishops. We truly desire, then, that these spiritual rights be exercised by the bishops, and that the right of freely exercising them be truly, as far as possible, kept intact for them. If our predecessors as Roman pontiffs and the apostolic see have granted any such spiritual rights to the said mendicant friars to the harm of the bishops, we consider that such concessions made to religious ought in future to be limited, so that the friars themselves will be supported in all charity by the said bishops rather than be troubled and disturbed. For, regulars and seculars, prelates and subjects, exempt and non-exempt, belong to the one universal church, outside of which no one at all is saved, and they all have *one Lord and one faith*¹. That is why it is fitting that, belonging to the one same body², they also have the one same will; and just as the brethren are united by the bond of mutual charity, so it is not fitting that they arouse among themselves injustice and hurt, since the Saviour says, *My commandment is that you love one another as I have loved you*³.

We wish to preserve charity and mutual goodwill among bishops, their superiors, prelates and friars, as well as to promote divine worship and the peace and tranquillity of the universal church. We know this can be done only if each preserves as far as possible his own jurisdiction. We have therefore decided and decreed, with the approval of the sacred council, that the said bishops, their superiors and other prelates may visit the parish churches which legitimately belong to the same friars by reason of their residences, with regard to what concerns the care of the parishioners and the preservation and administration of the sacraments, without however the exceptional trouble and expense of official visitors. They may punish those responsible for the churches and failing in this matter: if they are religious, then in accordance with the rules of their order within the precincts of the religious house; if they are secular priests or friars who hold benefices of this kind, then they may freely punish them as being subject to their jurisdiction. Both prelates and secular priests who are not excommunicated may celebrate masses out of devotion in the churches of the said religious houses, if they wish to do so, and the friars themselves ought to welcome them. Friars who are invited by the same prelates to take part in solemn processions ought to agree, provided the suburban friary in question is not more than a mile away from the city.

¹ Eph 4, 5. ² See Eph 4, 4. ³ Jn 15, 12.

liare a civitatibus respective non sint remota, accedere: nec non superiores eorumdem fratrum fratres, quos ad audiendas confessiones subditorum eorumdem praelatorum pro tempore elegerint, eisdem praelatis personaliter exhibere ac praesentare, si eos sibi exhiberi et praesentari petierint: alioquin eorum vicariis, dummodo ad praelatos ultra duas diaetas 5 accedere non cogantur, omnino teneantur*. Possintque illi per eosdem episcopos et praelatos super sufficienti literature et aliqua saltem huiusmodi sacramenti peritia dumtaxat examinari: talibusque praesentatis admissis, vel etiam indebite recusatis, confitentes constitutioni, quae incipit: *Omnis utriusque sexus*¹ quoad confessionem dumtaxat satisfecisse iq censeantur, ipsique fratres etiam forensium confessiones audire valeant. Laicos tamen et clericos saeculares, a sententiis ab homine latis, nullatenus absolvere possint. Eucharistiae vero et extremae unctionis, aliaque ecclesiastica sacramenta illis, quorum etiam infirmorum ac decedentium confessiones audierint, dicentibus proprium sacerdotem illa sibi dare 15 denegasse dare nequeant: nisi denegatio sine legitima causa facta, vicinorum testimonio probata, aut requisitio coram notario publico facta doceretur. Eorumdem vero fratrum obsequio insistentibus sacramenta huiusmodi nullatenus ministrare valeant, nisi illorum durante obsequio. Pacta autem et conventiones inter eosdem fratres et praelatos atque curatos pro 20 tempore inita, valeant, nisi per subsecutum capitulum proximum generale vel provinciale refutata, ac per eos refutatio huiusmodi intimata debito tempore fuerit. Parochias autem cum cruce ad levanda funera eorum, qui apud ecclesias domorum et locorum eorumdem quam elegerint sepulturam, intrare non possint, nisi prius praemonito et requisito, ac 25 nonb recusante parochiano presbytero, et tunc sine eius ac ordinarii praepudio: nisi eisdem fratribus super hoc antiqua consuetudo, quae sit in viridi observantia, et cum pacifica possessione suffragetur[^]. Volentes quoque sepeliri in habitu eorumdem fratrum in claustro non degentes, sed in propriis domibus habitantes, in eorum ultima voluntate sepulturam sibi 30 libere eligere possint. Quodque fratres ipsi ad ordines promovendi, per ordinarios de grammatica et sufficientia examinari, et dummodo competenter respondeant, per eosdem ordinarios libere admitti, ac nullatenus in eorum ecclesiis seu domibus, aut aliis eorum locis, ab alio quam a dioecetano episcopo, vel eius vicario, super hoc cum debita reverentia requi- 35 sito, et absque rationabili causa contradicente, vel eo a dioecesi absente, ad dictos ordines promoveri debeant. Nec ab alio episcopo consecrationem ecclesiae, vel altaris, aut coemeterii benedictionem petere, seu in ecclesiis per eos pro tempore aedificandis, primum lapidem per alienum episcopum poni facere possint, nisi ubi ordinarius bis aut ter cum debitis 40 reverentia et instantia requisitus, sine legitima causa id recusaverit. Et absque curatorum consensu sponsum et sponsam benedicere nequeant. Et ut debitus honor matrici ecclesiae reddatur, tam ipsi fratres, quam alii

» non teneantur *Mû* b *om. Lc* c suffragantur *Msi*

1 Cone. Lat. IV, c. 21 (v. supra p. 245); cf. c. 12 X. V 38 (Fr 2, 887-888).

The friars' superiors are bound to specify and present in person to the same prelates the friars whom they have chosen to hear for a time the confessions of the prelate's subjects, if the prelates ask for them to be specified and presented to them; if not, then to their vicars; with the condition that they are not bound to go to prelates who are more than two days' journey away. The friars in question may be examined by the same bishops and prelates, at least regarding the sufficiency of their learning and their other skills relative to this sacrament. If they are accepted, or if the refusal is unjust, then, in accordance with the constitution *Omnis utriusque sexus*¹, let them be considered as accepted at least as regards confession, and they can even hear the confessions of strangers. They have no power, however, to absolve layfolk and secular clergy from man-imposed penalties. They may not administer the eucharist and extreme unction and the church's other sacraments to those whose confessions they have heard, including the sick and the dying, who say that their own priest has refused to give the sacraments to them, unless the refusal was made without a just reason and this is proved by the testimony of neighbours or by an investigation carried out before a public notary. They have no authority to administer these sacraments to persons requesting their ministrations except during a period of actual service to them. Temporary agreements and contracts between friars and prelates or curates are valid unless they are rejected by the next general or provincial chapter and the rejection is duly communicated by the chapter. Friars may not enter parishes bearing a cross in order to carry out the funerals of those who have chosen to be buried at the churches of their houses or institutions; unless the parish priest, having received due notice and a request, does not refuse, and in that case without prejudice to himself and the ordinary; or unless there is an ancient custom on this point with the friars, which is currently in force and is mutually agreed upon. Those who wish to be buried in the habit of the said friars, but who live in their own houses and not in enclosure, are free to choose a burial place for themselves in their last wills.

Friars due to be promoted to orders are to be examined by the ordinaries on grammar and their competence. Provided they answer adequately, they ought to be readily admitted by the ordinaries. They may not, however, be ordained in their churches or houses or other places by anyone except the diocesan bishop or his deputy (the latter is to be asked with due reverence), unless the bishop refuses on insufficient grounds or is absent from his diocese. They should not ask for the consecration of a church or an altar, or the blessing of a cemetery, from another bishop; and they may not arrange for the first stone of a church being built for them to be laid by a strange bishop, unless the ordinary refuses without any just reason after he has been asked two or three times with due reverence and urgency. Friars may not bless a bride and bridegroom without the consent of those in charge of the parish. In order to render to the mother church the honour due to her, friars and secular clerics may not ring the bells of their churches on

¹ Lateran council IV, constitution 21 (see above p. 245); see ch. 12, *Decretals*, V 38 (Fr 2, 887-888).

clerici saeculares, etiam super hoc apostolicae sedis privilegio muniti, die sabbati maioris hebdomadae, antequam campana cathedralis vel matricis ecclesiae pulsaverit, campanas in ecclesiis suis pulsare minime possint. Contra facientes poenam centum ducatorum incurrant. Censuras autem per eosdem ordinarios latas et promulgatas, ac in matrici ecclesia civitatum, nec non in collegiatis et parochialibus ecclesiis castrorum et oppidorum respective solemniter publicatas, quando super hoc ab eisdem ordinariis requisiti fuerint, in ecclesiis domorum suarum publicare ac servare. Et ut animarum utriusque sexus Christi fidelium saluti uberius
10 consulatur, illos, quorum confessiones pro tempore audierint, cuiuscumque status et conditionis fuerint, ad solvendum decimas, sive aliam bonorum seu fructuum quotam in locis in quibus decimae ipsae aut similia solvi consueverunt, etiam sub onere conscientiarum suarum monere et hortari, ipsisque etiam illas solvere recusantibus, absolutionem denegare, et super hoc requisiti, id populo etiam publice praedicare et persuadere teneantur. Conservatores autem eisdem fratribus pro tempore a sede apostolica deputandi, doctrina et probitate praestantes, et in ecclesiastica dignitate constituti esse debeant: et coram eis per eosdem fratres, quibus
20 dati fuerint, ultra duas diaetas a loco suae solitae habitationis nullus trahi possit, privilegiis super hoc alias eis concessis nullatenus suffragantibus. Excommunicari quoque ordinem mendicantium profiteri volentes, ubi de interesse tertii agatur, absolvi non possint, nisi praevia satisfactione. Procuratores quoque et negotiorum gestores ac operarii eorumdem fratrum servitiis insistentes, sententiis excommunicationis promulgatis illaqueati sint, et esse censeantur, si illis causam dederint, aut dantibus consilium, auxilium vel favorem praestiterint. Fratres autem et sorores tertii ordinis, nec non mantellati, corrigiati, pizochatae, chordellati, et alii quocumque nomine nuncupati, in propriis domibus habitantes, sepulturam, ubi voluerint, eligere valeant; sed die paschatis tantum eucharistiam, nec non extremam unctionem, ceteraque ecclesiastica sacramenta, poenitentiae sacramento dumtaxat excepto, a proprio sacerdote recipere, et ad onera, quae laicis incumbunt, perferenda teneantur, ac in foro saeculari coram iudicibus saecularibus conveniri possint. Et ne censura vilescat ecclesiastica, et minoris auctoritatis interdicti sententia reputetur, iidem dicti tertii ordinis, ad divina audienda in ecclesiis suorum ordinum tempore interdicti nullatenus admittantur, si causam dederint interdicto, vel causam ipsam nutrant seu foveant, aut dantibus auxilium, consilium vel favorem quoquo modo praestiterint. Collegialiter autem viventes, seu cum claustralibus habitantes, ac mulieres virginalem seu caelibem,
40 aut castam vidualem expresso voto et sub dicto habitu vitam ducentes, privilegiis, quibus fratres ordinis, cuius tertiae regulae habitum gestant, gaudere debeant. Omnia etiam singula supradicta ad reliquos religiosos ordinum quorumcumque extendi, et per eos etiam servari debere volumus atque decernimus. Salvis tamen in reliquis desuper non expressis, tam episcoporum quam fratrum et aliorum religiosorum praedictorum iuri-

1 Christianitatis Medii Aevi piae laicorum sodalitates.

Holy Saturday before those of the cathedral or mother church have been rung, even if they are supported on this point by a privilege of the apostolic see. Those acting otherwise incur a penalty of one hundred ducats. They are to publish and observe in the churches of their own houses the censures which are imposed, promulgated and solemnly published by the ordinaries in the mother churches of cities as well as in the collegiate and parish churches of castles and towns, when they are asked to do this by the same ordinaries. To provide more fruitfully for the salvation of the souls of Christ's faithful of both sexes, they are obliged to advise and encourage those whose confessions they have heard for a time, no matter of what standing or status they may be, that they are bound in conscience to pay tithes, or a portion of their goods or produce, in those places where such tithes or dues are customarily paid; and they are obliged to refuse absolution to those who will not pay them. They are bound, moreover, to include this in their public preaching and exhortations to the people when they are asked to do so.

The conservators assigned for a time to the same friars by the apostolic see ought to be outstanding in learning and good reputation and of established ecclesiastical rank. They cannot oblige to appear before them anyone living more than two days' journey away, notwithstanding any privileges granted to the conservators at other times. Excommunicated persons wishing to enter a mendicant order cannot be absolved when the interests of a third party are involved, unless satisfaction has previously been made. Procurators, business agents and workers in the service of the said friars are subject to sentences of excommunication which have been promulgated, if they have given cause for them or have offered help, favour or advice to the guilty. Brothers and sisters of the third order, and those known as the cloaked ones, the girdled ones and the devotees, and others no matter how named¹, living in their own homes, can choose whatever place of burial they wish. They are bound, however, to receive the eucharist at Easter as well as extreme unction and the other sacraments of the church, with the exception of the sacrament of penance, from their own priest. They are obliged to undertake the tasks incumbent upon the laity, and they can be brought before lay judges in a secular court. To avoid the cheapening of ecclesiastical censures, and sentences of interdict being regarded as of little importance, members of the said third orders are in no way to be admitted to hear divine services in the churches of their orders during a period of interdict, if they have given grounds for the interdict or encouraged or supported those grounds, or if they have in any way offered help, counsel or favour to the guilty. But those living in an official group, or dwelling with the enclosed, and women who are leading a life of virginity, celibacy or chaste widowhood under an expressed vow and with a habit, ought to enjoy the privileges of the order of which they are tertiaries.

We wish and decree that each and all of the above norms are to be extended to, and observed by, all other religious of other orders. In matters not mentioned above, the rights of the said bishops and friars and other religious are to be maintained. We do not wish to prejudice these rights in any way by the above

¹ Pious lay sodalities of medieval Christianity.

bus, quibus per praemissa in aliquo praeiudicare, seu quidquam innovare non intendimus; non obstantibus constitutionibus et ordinationibus apostolicis, ac statutis et consuetudinibus dictorum ordinum, iuramento, confirmatione apostolica, vel quavis alia firmitate roboratis, privilegiis quoque et induitis, ac literis apostolicis, contra praemissa, seu aliquod 5 praemissorum eisdem ordinibus concessis, etiam in *Mari magno*¹ contentis, quibus, etiamsi ad illorum derogationem, de eis, eorumque totis tenoribus specialis, specifica, expressa, individua, ac de verbo ad verbum, non autem per generales clausulas id importantes, mentio seu quaevis alia expressio habenda, aut aliqua alia exquisita forma servanda esset, illorum 10 tenores praesentibus pro sufficienter expressis et insertis habentes, specialiter et expresse derogamus, ceterisque contrariis quibuscumque, decernentes exnunc irritum et inane, si secus super his a quoquam quavis auctoritate, scienter vel ignoranter contigerit attentari. Eosdem insuper fratres in virtute sanctae obedientiae monemus, ut eosdem episcopos, loco is sanctorum apostolorum subrogatos, pro debita et nostra ac apostolicae sedis reverentia, congruo honore et convenienti observantia venerentur. Ipsos quoque episcopos hortamur, ac *per viscera misericordiae Dei nostri*² requirimus, ut fratres ipsos affectu benevolo prosequentes, caritative tractent ac benigne foveant, seque illis minime difficiles, aut duros vel 20 morosos, sed potius faciles, mites, propitios, piaque munificentia liberales exhibeant, ac in omnibus praedictis, tamquam in agro dominico cooperatores, eorumque laborum participes prompta benignitate recipiant, eorumque iura omni cum caritate custodiant, atque defendant, ut tam episcopi quam fratres praefati, quorum opera veluti lucernae ardentes 25 supra montem positae³, omnibus Christi fidelibus lumen praebere debent, ad Dei laudem, fidei catholicae exaltationem, populorumque salutem, *de virtute in virtutem*^{*} proficiant, ac exinde a largissimo bonorum omnium retributore Domino perennis vitae praemium consequi mereantur. Nulli ergo ... Si quis autem__ 30

SESSIO XII

16 mart. 1517

[Contra invadentes domos cardinalium]

Leo episcopus servus servorum Dei, ad perpetuam rei memoriam, sacro approbante concilio. Temerariorum quorundam, qui sanctae Romanae ecclesiae cardinales, praecipuas catholicae ecclesiae columnas, ea qua convenit reverentia observare contemnunt, et in eorum res et bona manus 35 violentas ausu sacrilego inficere non verentur, effrenata libido nos admonet et inducit ut ad eorum audaciam, antequam longius prorepat, comprimendam, ea quae a praedecessoribus nostris in dictorum cardinalium dignitatis conservationem provida sunt consideratione statuta, pro illorum observantia firmiori nostrae innovati-⁴onis munimine robaremus, exten- 40

¹ Vide supra p. 638 n. 1. ² Le 1, 78. ³ Cf. Mt 5,14. ⁴ Ps 83, 8.

statements, or to introduce anything new. This is notwithstanding apostolic constitutions and ordinances; statutes and customs of the said orders which have been strengthened by oath, apostolic confirmation or any other form of reinforcement; and privileges, induits and apostolic letters which have been granted to the same orders and are contrary to what has been set down above or to any part of it, even what was included in *Mare magnum*¹. If there is required a mention or other statement that is special, specific, clear, distinctive, word for word, and not by general clauses, regarding these things and their meaning, or if some other carefully chosen form should be used, in order that they might be abrogated, then we consider their meaning to be sufficiently expressed and included in this present letter, we expressly and specially abrogate anything to the contrary, and we decree as null and void anything that is knowingly or unknowingly attempted to the contrary in these matters by any person acting on any authority.

We warn the friars, in virtue of holy obedience, to revere bishops with fitting honour and due respect, out of the reverence owed to us and the apostolic see, since they act as deputies in place of the holy apostles. As for bishops, we urge and appeal *by the tender mercy of our God*² that, while attending to the friars with well-disposed affection, treating them with kindness and encouraging them, they present themselves to them as in no sense difficult or hard or peevish, but rather as easy, mild, well-disposed and liberal in loving generosity, and that in all the above-mentioned matters they welcome them with ready kindness as co-workers in the Lord's vineyard and as sharers in their labours, and that they guard and defend their rights with all charity, so that both bishops and friars, whose works as burning lamps set on a hilltop³ ought to provide light to all Christ's faithful, may move forward *from strength to strength*⁴ for the glory of God, the triumph of the catholic faith and the salvation of peoples, and in consequence deserve to obtain from the Lord, the most generous recompenser of all good deeds, the reward of eternal life. Let nobody therefore ... If anyone however ...

SESSION 12

16 March 1517

[Against those attacking the houses of cardinals]

Leo, bishop, servant of the servants of God, with the approval of the sacred council, for an everlasting record. Certain audacious persons disdain to show the appropriate deference to the cardinals of the holy Roman church, who are the chief pillars of the catholic church. They do not fear to lay violent hands, with impious boldness, on their possessions and properties. Their uncontrolled desire warns and induces us to strengthen, increase and extend — in accordance with the character of the times and with what we perceive in the Lord to be soundly in keeping with so distinguished an office in God's church — those measures which, by wise planning, were established by our predecessors for the

¹ See above p. 638 n. 1. ² Lk 1, 78. ³ See Mt 5, 14. ⁴ Ps 83, 8.

damus et ampliemus, prout temporum qualitas exigit, et tam eminenti in ecclesia Dei dignitati conspiciamus in Domino salubriter^l expedire. Sane ab aliquibus citra temporibus damnabilis quidam in Urbe inolevit abusus et licentia delinquendi, quo, dum apostolica sede vacante, per cardinales
 5 in conclavi existentes de futuri Romani pontificis electione tractatur, si qua de uno ex eisdem cardinalibus quod in pontificem sit electus, vox prodeat, etiam non vera, illius domum vulgus armis aggreditur, et super ea diripienda, cum ipsius cardinalis conclave nondum egressi familiaribus eam custodientibus, vi contendit: et si etiam effractis foribus, aut pariete effosso, aditus pateat, in praedam omnium bonorum, quae ibi extant, hostiliter corruit, nisi armatorum praesidio defendatur. Nonnullique quandoque reperiuntur ita temerarii et audaces, ut aliis etiam temporibus, praetextu rixarum, domos cardinalium hostiliter et cum armis aggredi non verentur: in eaque morantes offendere et vulnerare, ex quibus cardinalatus^b honori, quibussacrosancta militans ecclesia tamquam purpureo tota decoratur amictu, non parum detrahitur, et eorum generatur contemptus et homicidiorum et aliorum scandalorum occasio exhibetur. Nos igitur huiusmodi temerarios conatus debita volentes animadversione reprimere, sacro approbante concilio, felicis recordationis Honorii III et Bonifacii VIII Romanorum pontificum praedecessorum nostrorum, contra aliquem dictae ecclesiae cardinalem hostiliter insequentes, et illis praesentia, consilio, aut favore assistentes, eosve scienter receptantes aut defendentes, et eorum domos et aedes, ut supra, invadentes, et eorum posteros, bona, editas constitutiones^l, auctoritate apostolica tenore praesentium innovamus. Decernentes eas ubique debere perpetuis futuris temporibus inviolabiliter observari, et nihilo minus constitutiones easdem cum omnibus et singulis in eis contentis censuris et poenis, ad omnes et singulas personas cuiuscumque status, conditionis et excellentiae existentes, qui alicuius dictorum cardinalium domum, tam tempore dicti conclavis, etiamsi in Romanum tunc pontificem sit electus, quam alias quando-
 cumque et ex quacumque causa armata manu invadentes, et in ea violenter aut hostiliter aliquid diripientes, aut quemquam ex inibi existentibus vulnerantes, et eorum socios et qui id fieri mandaverint, vel factum eius nomine ratum habuerint, ac ipsis invasoribus consilium in praemissis vel favorem praestiterint et defenderint, extendimus et ampliamus, non obstantibus constitutionibus et ordinationibus apostolicis ceterisque contrariis quibuscumque. Nulli ergo ... Si quis autem ...

[Constitutio impositionis decimarum et absolutionis concilii]

Leo episcopus servus servorum Dei, ad perpetuam rei memoriam, sacro
 40 approbante concilio. *Constituti* iuxta verbum prophetae, meritis licet

a solemniter *Msi* ¹⁰ cardinalium *Msi*

^l *Summi providentia principis*, 20 nov. 1225 (BR 3, 410 n. 76) et *Felicis recordationis* in c. 5 V 9 in *VIa* (Fr 2,1091-1092).

safe-guarding of the high office of the said cardinals, in order that the boldness of these people may be restrained before it extends even further. Indeed, there has recently grown up in Rome a damnable abuse and lack of restraint in wrongdoing. Thus, while there is a vacancy in the apostolic see, and the election of a future Roman pontiff is actually being discussed by the cardinals in conclave, if some rumour leaks out, even if false, that one of the cardinals has been elected as pontiff, the mob attacks his house with arms and contends by force with his servant-guards, while he is still in the conclave, over the despoiling of his house. If an entry is forced by breaking down the doors or digging under the wall, the mob rushes in to plunder all the goods that are there, unless a defence is made by armed guards. Sometimes there are some who are so audacious and headstrong that they do not fear even on other occasions to attack the houses of cardinals in a hostile fashion and with arms, under the guise of general brawling, and to strike and wound while they are there; as a result of which there is considerable loss to the honour of the cardinalate, by which the most holy church militant is fully adorned as by a purple garment, contempt for the cardinals is aroused, and occasion is given for murders and other scandals.

We wish to suppress audacious tendencies of this kind by fitting punishments. We therefore renew by this letter, with the approval of the sacred council and by our apostolic authority, the published constitutions of our predecessors as Roman pontiffs, Honorius III and Boniface VIII of happy memory¹, against those pursuing any cardinal of the said church in a hostile manner, those assisting such persons by their presence, counsel or support, or knowingly harbouring or defending them, and those attacking their houses or dwellings, as said above, and their descendants and property. We decree that these constitutions must be observed everywhere without alteration for all future times. We also extend these same constitutions, with each and every censure and penalty contained in them, to each and every living person of whatever status, condition and distinction, who attacks with an armed band the home of any of the said cardinals, both at the time of the said conclave, even if the cardinal in question has been elected pope, and at other times and for any reasons, and who seizes anything in the house with violence like an enemy or wounds anyone of those dwelling there, and also their associates and those who have given orders for it to be done, or have given personal approval to the deed or have provided counsel and support to the attackers in the above matters and have defended them. This is notwithstanding apostolic constitutions and ordinances and other measures of whatever kind to the contrary. Let nobody therefore ... If anyone however ...

[Constitution imposing taxes and closing the council]

Leo, bishop, servant of the servants of God, with the approval of the sacred

¹ *Summi providentia principis*, 20 Nov. 1225 (BR 3, 410 η. 76), and *Felicis recordationis* in ch. 5 V 9 Sext (Fr 2, 1091-1092).

imparibus, *supergentes et regna*¹, officii nostri debitum decenter exequimur, cum universi status ecclesiastici, ac universalis ecclesiae, eorumque negotiorum reformationem per nos utiliter factam innovamus, et pro illius inviolabili observatione oportuna remedia adhibere, et ecclesiis cathedralibus ac etiam métropolitans, ne diutius suis pastoribus careant, 6 providere cogitamus, ac ad illa curis assiduis vigilamus, et operibus intendimus indefessis, per quae dominicum gregem curae nostrae commissum, *in conspectu divinae maiestatis*² acceptum et obsequentem reddere valeamus; Tureas vero et infideles alios, tam in orientalibus, quam in meridionalibus partibus consistentes, qui veri luminis veraeque salutis 10 iter pertinacissima mentium caligine contemnentes, vivificae cruci, in qua Salvator noster mortem ultro suscipere voluit, *ut mortem nostram moriendo destrueret, ac vitam* sacratissimae vitae suae ineffabili mysterio *repararet*^{*}, insidiantes et hostes Deo odibiles, ac christianae religionis persecutores acerrimos sese reddunt reprimere, ac infestissimis crebrisque eorum 15 insultibus, quibus in christianum sanguinem crudeliter debacchantur, non solum spiritualibus, verum etiam temporalibus muniti praesidiis, possumus auctore et fautore Domino contraire; sane cum felicitis recordationis Iulius papa II praedecessor noster, sacrum generale Lateranense concilium de venerabilium fratrum suorum sanctae Romanae ecclesiae cardinalium, 20 de quorum numero tunc eramus, consilio et assensu, laudabiliter, legitime, et ex rationalibus causis, Spiritu sancto coopérante, convocasset, et in eo quinque sessiones tenuisset, ac sextam sessionem indixisset: nos, quibus etiam in minoribus constitutis insitum cordi desiderium semper fuerat, generale concilium, utpote agri dominici culturam praecipuam, celebrari 25 videndi, dicto Iulio praedecessore humanis rebus exempto, divina favente clementia ad summi apostolatus apicem assumpti honesto, utilique desiderio nostro debitum, ex iniuncto nobis curae pastoralis officio, accessisse conspicientes, rem hanc ardentiori voto, et tota animi alacritate suscepimus, ac in dicta sessione illius prorogationem, extunc expressis et aliis 30 causis nostrum et dictorum fratrum animum moventibus, de eorundem fratrum consilio et assensu, ad certum tunc expressum tempus per nos factae, approbante eodem sacro Lateranensi concilio, approbavimus, et concilium ipsum usque ad perfectionem causarum, propter quas indictum extiterat, et praesertim inter principes et potentatus christianos bellis 35 atrocibus pacatis, hostilibusque armis depositis, universalis et firma pax componi valeret, pro qua tamquam pro saluberrimo bono, intactum nihil relinquendo, conatus omnes nostros adhibere intendebamus, prosequi et sine debito terminare velle: nostrique incommutabilis animi et intentionis fore et esse declaravimus, ut his, quae ad Dei laudem ecclesiaeque 40 praefatae exaltationem, et Christi fidelium concordiam pertinent, absolutis, sancta et pernecessaria expeditio contra catholicae fidei hostes fieri, feliciterque de illis, Altissimo favente, triumphari posset: et ut ad tam perutile concilium accedere debentes, ab accessu huiusmodi nullatenus retrahantur, nullamque omnino causam praetendere possent, omnibus et 45

1 Ir 1,10. * Canon Missae. 3 Praefatio paschalis.

council, for an everlasting record. We have been *set over nations and kingdoms*¹, as the prophet declared, although our merits are unequal to this. We are suitably carrying out the duty of our office when we renew again that reform of the whole church and its affairs which we have accomplished with profit; when we plan to apply suitable remedies for the unchallenged observance of the reform and to make provision for cathedrals and metropolitan churches so that they may no longer be without their pastors; and when we supervise these remedies with ever-present attention and untiring efforts, by means of which we may be able to render the Lord's flock, which has been entrusted to our care, acceptable and submissive *in the sight of the divine majesty*². Our aim is also to crush the Turks and other infidels standing firm in the eastern and southern regions. They treat the way of true light and salvation with complete contempt and totally unyielding blindness; they attack the life-giving cross on which our Saviour willed to accept death so that *by dying he might destroy death, and* by the ineffable mystery of his most holy life *he might restore life*³; and they make themselves hateful enemies of God and most bitter persecutors of the Christian religion. Strengthened by defences not only spiritual but also temporal, we may be able, under God's guidance and favour, to oppose the bitter and frequent sallies by which, in wild rage, they move savagely amidst Christian blood.

Indeed, pope Julius II, our predecessor of happy memory, acting in union with the holy Spirit, in a laudable and legitimate manner, for sound reasons, with the advice and consent of his venerable brothers, the cardinals of the holy Roman church, of whom we were then one, summoned the sacred Lateran council. He held five sessions and summoned a sixth. He then passed from the human scene. We were then raised to the summit of the highest apostolate by the favour of the divine mercy. We had always had a heartfelt desire, even at lesser meetings, to see a general council being celebrated as a very important development in the Lord's field. We realised that an obligation had been added to our honourable and useful desire as a result of the duty of pastoral care now laid upon us. We therefore undertook this matter with a more burning commitment and a total readiness of mind. We gave approval in the said sixth session, with the advice and consent of our said brother cardinals and with the approval of the same sacred Lateran council, to the postponement of the council to a fixed date, which was then clearly stated, *for* reasons made clear from the situation and for others affecting our own and the minds of our said brother cardinals. The council was to continue towards the completion of the objectives for which it had been summoned; and especially that, once the terrible conflicts between Christian princes and rulers were settled and weapons of war set aside, a universal and lasting peace could be established. Leaving nothing untried, we intended to use all our efforts to bring about this peace and to conclude it, as if it were a good of supreme advantage. We also declared that it is and shall be part of our unchangeable thought and intention that, once the matters concerning the praise of God and the exaltation of the aforesaid church have been completed, the holy and most necessary expedition against the enemies of the catholic faith shall take place and a successful triumph over them be accomplished with the aid of the most High. In order that those under an obligation to attend this most useful council might not be held back in any way from coming to it, and so that they might be unable to proffer any excuse, we provided and granted, with the

¹ Jer 1, 10. ² Canon of the Mass. ³ Preface of Easter.

singulis ad celebrationem concilii per Iulium praedecessorem convocatis,
 et ad dictum concilium Lateranense venientibus, ipsorumque venientium
 servitoribus ad concilium Lateranense, ad Urbem huiusmodi veniendi,
 et in ea libere commorandi salvumconductum, dicto sacro Lateranensi
 s approbante concilio, dedimus et concessimus, ac reges et principes hor-
 tati fuimus', ut pro sedis apostolicae reverentia venientes huiusmodi non
 molestarent, sed eos libere venire permetterent: ac septimam sessionem
 indiximus, in qua cum nihil magis affectaremus, quam ut causae utiles
 et necessariae, propter quas dictum concilium Lateranense indictum
 10 fuerat, ut desiderii nostri erat, ad finem debitum perducerentur, tres car-
 dinalium aliorumque praelatorum, qui causas huiusmodi et alias concili-
 ares materias audirent et discuterent, auditaque et discussa in eodem
 concilio referrent, particulares deputationes fecimus, atque mandavimus:
 quarum quidem deputationum una pacis universalis componendae inter
 is reges ac principes Christianos, quae una ex principalioribus congregationis
 concilii praefati causa fuerat, et schismatis extirpationis; altera, generalis
 reformationis, etiam curiae; reliqua vero, discussionis et abrogationis
 pragmaticae sanctionis, et rerum orthodoxam fidem concernentium,
 peculiarem curam haberent. Et cum unaquaeque deputatio quamplura
 20 utilia et necessaria diligenter examinaverint, et accurate nobis retulerint,
 ac per eos discussa et examinata in aliis quinque sessionibus successive
 per nos tentis, sacro approbante concilio, per nos, favente Domino,
 absoluta et terminata fuerint, procul dubio cognoscimus, Deum ipsum
 bonorum datorem piis nostris, et non nisi ad commune bonum tendenti-
 25 bus desideriis, pro sua immensa pietate et misericordia plurimum favisse,
 ac nobis, ut quae mente nostra gessimus, et circa quae plurimum labora-
 vimus, videlicet ut concilium ipsum causis, propter quas indictum fuerat,
 iuxta votum terminatis, feliciter claudi et absolvi posset, concessisse.
 Carissimus namque in Christo filius noster Maximilianus in imperatorem
 30 electus, Iulii praedecessoris praefati, nostro vero tempore clarae memoriae
 Ludovicus Francorum rex, et ceteri reges et principes christiani summo
 cum omnium gaudio Lateranensi concilio in Spiritu sancto legitime
 congregato adhaeserunt, ac Pisanum conciliabulum per quosdam nullam
 potestatem habentes indictum, et per eundem Iulium praedecessorem
 35 damnatum iuxta ipsius Iulii praedecessoris sententiam pro damnato
 habuerunt, et schisma ex his pullulare coeptum (quod semper dum vixit,
 quamplurimas calamitates praelatis, et aliis Christi fidelibus ex diversis
 schismatum temporibus, et aliis generalibus conciliis hactenus celebratis
 attulisse constat) extinctum ac universalis ecclesiae pax, et unio secuta
 extitit; nec non tam ecclesiasticarum quam saecularium, et aliarum per-
 sonarum mores, quantum expedire visum fuit, reformati, et nonnullae
 causae, orthodoxam fidem concernentes, terminatae: ac nonnullae aliae
 materiae, in dictis tribus deputationibus cardinalium et praelatorum
 diligenter examinatae et discussae, in dicto concilio solerti cura expeditae
 «5 et terminatae fuerunt; nobisque per cardinales et praelatos deputationum

approval of the said Lateran council, to each and all of those summoned to the celebration of the council by our predecessor Julius, and to their attendants, a safe-conduct while they were travelling to and staying in Rome for the purposes of the said Lateran council. We urged kings and princes, out of reverence for the apostolic see, not to molest those coming here but to permit them to travel in safety.

We summoned the seventh session. We wanted nothing more than that those useful and necessary matters on account of which the said Lateran council had been summoned might be brought to their conclusion. We therefore set up three special committees of cardinals and other prelates to listen to and discuss matters of this kind and other conciliar business, and we ordered them to report to the council on what they had heard and discussed. One of the committees had the special task of establishing a universal peace between Christian kings and princes, which was one of the chief reasons for the said council coming together, and of rooting out the schism; the second had the special task of general reform, including the reform of the curia; and the third had the special task of examining and abrogating the Pragmatic Sanction and of dealing with matters concerning the true faith. Each committee carefully examined many useful and necessary topics and accurately reported to us about them. The subjects discussed and investigated by them were completed and concluded by us, with God's favour and the approval of the sacred council, in the remaining five sessions of the council which we held. We then knew beyond all doubt that God himself, the giver of gifts, had favoured our devout desires and those tending to the common good, out of his exceeding goodness and mercy, and that he had granted to us what we had planned in our own mind and for which we had greatly laboured, namely that once the matters on account of which the council had been summoned had been concluded in conformity with the council's aims, the council itself could be closed and discharged.

The emperor-elect Maximilian, our dear son in Christ, in the time of our said predecessor Julius, and king Louis of France, of happy memory, in our own time, as well as other kings and princes adhered to the Lateran council, lawfully assembled in the holy Spirit, to the greatest satisfaction of everyone. The quasi-council at Pisa, which had been summoned by certain persons without the necessary authority and had been condemned by the same Julius who preceded us, was treated by them as condemned in accordance with the decision of the said Julius. The schism which had begun to grow from this was ended (although it is clear that so long as the situation continued, it brought very many injuries to prelates and others of Christ's faithful at various times, as well as to other general councils held until this time). There was peace for the whole church and a resulting union. The moral habits of churchmen as well as of secular and other persons were reformed, insofar as this seemed appropriate, and several matters concerning the true faith were defined. Several other matters, after being carefully examined and debated in the three committees of cardinals and prelates mentioned above, were considered with care and skill in the said council and a final decision was reached. Finally, it was reported to us on several occasions, through the cardinals and prelates of the three committees, that no topics

huiusmodi pluries relatum fuit nulla negotia eis discutienda, examinanda-
 que remansisse, et a pluribus mensibus citra, nulla prorsus de novo a
 quoquam ad eos prolata fuisse: episcoposque in partem sollicitudinis ad
 curam gregis dominici nobiscum perferendam vocatos, ac alios praelatos
 in dicta Urbe praeter sacrorum conciliorum consuetudinem, cum eorum 5
 et ecclesiarum suarum incommodo ac damno, diutius permansisse. Itaque
 ex praemissis omnibus, quae per nos et dictas deputationes in ipso con-
 cilio expediri desiderabantur, sola regum et principum pax, et animorum
 concordia restare videbatur: pro qua qualis mens nostra semper fuerit,
 quantumve omni studio nostro circa illam componendam laboraverimus, 10
 cunctis literas a nobis emanatas legentibus apertissime constare potest:
 novitque Deus ipse, qui summa est omnium rerum lux et veritas, quot
 precibus, quamve assiduis orationibus ab eo petere, et implorare nunquam
 destiterimus, ut christianum gregem, cuius custodiam nobis, licet imme-
 ritis, commisit, mutuo caritatis fervore accensum, ad firmam ac perpetuam 15
 pacem ineundam pro sua clementia inducere dignaretur. Et nihilo minus
 tam nuntiis nostris, quos apud Maximilianum imperatorem electum ac
 eosdem reges et principes habemus, quam literis, eos multis et effica-
 cissimis rationibus, praesertim si religioni christianae et catholicae fidei
 in grave periculum ac discrimen propter tyranni Turearum potentiam
 nuper dilatata et auctam deductae, ut par est, consulere et providere
 vellent, in Domino, cuius causa praecipue agitur, hortati fuimus, ac ex
 eorumdem nuntiorum, regumque et principum ipsorum litteris per-
 cepimus, exhortationes nostras tantae apud eosdem reges et principes
 auctoritatis et efficaciae fuisse, illorumque corda et animos adeo flexisse, 25
 et commovisse, ut fere inter omnes pax tamdiu a nobis pro reipublicae
 christianae universali bono desiderata, animo conclusa fuerit, et si quid
 superest, prope diem componendum (ipso Deo favente) speretur: quod
 mente animoque nostro subinde nobis revolvantibus, exultât cor nostrum
 in Domino nostro Iesu Christo, ipsique super hoc gratias agimus omnium 30
 gratiarum largitori, quod ipsos ad optatam nobis concordiam induxerit:
 ac per omnes Christi fideles ea signa laetitiae, quae in similibus fieri con-
 sueverunt, et gratias Deo agendas, ipsumque Deum, ut pax conclusa
 perduret, rogandum esse censemus. Solum itaque superest, ut sancta ac
 pernecessaria contra infidelium rabiem, christianum sanguinem sitien- 35
 tium, expeditio capiatur: nec non omnia et singula, quae in undecim
 sessionibus partim per nos, partim per lulium praedecessorem huiusmodi,
 hactenus tentis, gesta et facta, potiori pro cautela, approbentur et inno-
 ventur, ac inviolabiliter observari mandentur. Habita igitur super his cum
 fratribus nostris et aliis praelatis matura deliberatione, sacro approbante 40
 concilio, omnia et singula in dictis undecim sessionibus gesta et facta, ac
 Hteras desuper editas, cum omnibus in eis contentis clausulis, exceptis
 quibusdam quae certis personis pro universalis ecclesiae pace et unione
 duximus concedenda, nec non exeeutorum in illis deputatione apostolica
 auctoritate approbamus et innovamus, iliaque perpetuis futuris tempori- 45

1 Cf. l R g 2, 1.

remained for debate and discussion by them, and that over several months nothing at all new had been brought before them by anyone. The bishops who had been invited to share with us the responsibility for the support and care of the Lord's flock, as well as other prelates, had remained in Rome rather a long time beyond the normal usage of sacred councils, with inconvenience and loss to themselves and to their churches.

Therefore there seemed to remain, of all the above things which we and the said committees so much desired to be completed in the council, only peace between kings and princes and a harmony of minds. Our attitude in favour of this, and our striving with every effort for its accomplishment, can be made abundantly clear to all who read our letters. God himself, who is the supreme light and truth of all things, knows how we never ceased to beg and implore of him, by many prayers and constant appeals, that he would deign of his mercy to influence the Christian flock — which he has entrusted to our care, despite our lack of merits — to enter upon a stable and enduring peace, now that this same flock has been roused by the warmth of mutual charity. We have earnestly urged this in the Lord, whose cause is principally in question, upon kings and princes, by means of persuasive reasons, through the nuncios whom we keep at the court of the emperor-elect Maximilian and with the aforesaid kings and princes, and through letters; especially if they wish to provide and take measures, as is right, on behalf of the Christian religion and the catholic faith, which have been brought into serious danger and risk by the recently extended power of the ruler of the Turks. We have learnt from the letters of the same nuncios, kings and princes that our appeals have been of such great power and efficacy with the said kings and princes, and have influenced their hearts and minds to such an extent, that the peace so long desired by us for the good of the whole Christian state has been almost concluded in intention, and the hope is that if anything remains it will soon be resolved (by God's favour). Our heart exults in our Lord Jesus Christ as we ponder over this in our mind and spirit. We give thanks for this to him, the giver of all graces, because he has guided these persons to the harmony we had longed for. We think that all Christ's faithful should offer to God thanks and those signs of joy which are customary on such occasions, and that God be asked that the peace achieved may endure.

It only remains, therefore, for the holy and very necessary campaign to be undertaken against the fury of the infidels thirsting for Christian blood, and for all the measures decided upon as powerful safeguards in the eleven sessions, held partly by us and partly by our predecessor Julius, to be approved and renewed and ordered to be observed unchallenged. Accordingly, after mature deliberation on these matters with our brothers and other prelates, we approve and renew by apostolic authority, with the approval of the sacred council, all and each of the acts and decisions of the said eleven sessions, and the letters published above together with all the clauses contained in them — apart from certain excepted matters which we judge should be conceded to specified persons for the sake of the peace and unity of the universal church — as well as the business carried out by the committees. We decree and order that they are to be observed

¹ See ¹ Kg 2, 1.

bus inviolabiliter observari debere decernimus atque mandamus, et illorum executores ad illa et in eis contenta observari faciendum, in Romana curia gubernatorem alie Urbis nostrae, et vicarium nostrum pro tempore existentes, ac camerae apostolicac generalem auditorem, qui personas sibi respective subiectas ad id cogere et compellere valeant: extra vero eam, omnes et singulos locorum ordinarios deputamus, inhibentes sub excommunicationis latae sententiae poena omnibus et singulis Christi fidelibus, ne in praesenti concilio gesta et facta sine nostra et dictae sedis
10 zelo, dictam contra infideles expeditionem, per nos et dictum Iulium praedecessorem, dictis causis conciliatibus expeditis, toties in dictis sessionibus propositam et promissam, et cum oratoribus regum et principum apud nos existentibus pluries communicatam et discussam, piae memoriae Nicolaum papam V etiam praedecessorem nostrum qui post Constantinopolitanae urbis calamitosum excidium, ad vindicandas Christi iniurias et infidelium furorem reprimendum, generalem contra eos expeditionem indixit, et quem solerti studio felicis memoriae Calixtus III, ac Pius II Romani pontifices etiam praedecessores nostri imitati fuerunt, imitantes ad triennium proxime futurum cum facultate per nos, una cum eisdem fratribus nostris, decimas fructuum ex ecclesiis et monasteriis, ac aliis beneficiis in universo orbe consistentibus, imponendi et exigendi, ac omnia et singula alia, quae ad huiusmodi expeditionem necessaria sunt, et quae in similibus expeditionibus fieri consueverunt, faciendi, sacro approl te concilio, sumendam, faciendam, et prosequendam decernimus. Et ut felicem sortiatur effectum, pias, humiles, ac devotas ad omnipotentem Deum preces iugiter fundimus, idemque omnibus utriusque sexus Christi fidelibus faciendum mandamus, eosdem Maximilianum in imperatorem electum, ac reges, principes, et potentatus christianos, quorum virtutem Deus excitare nos iubet, hortantes, ac *per viscera misericordiae Dei nostril* Iesu Christi obsecrantes, perque tremendum eius iudicium obtestantes, ut ipsi memores se de ipsa ecclesia, Christi sanguine redempta et per eos, etiam propriae vitae non parcendo, tuenda et conservanda rationem reddituros esse, omnibus invicem posthabitis odiis, mutisque dissensionibus ac simultatibus oblivioni perpetuae demandatis, ad defensionem christianae fidei, sicut proprio et necessario eorum incumbit officio, fortiter et potenter exurgant: et in tantae necessitatis articulo, prout eorum fuerint facultates, prompta auxilia praebere studeant, eosdem
40 nihilo minus paterno affectu monentes, ac requirentes, ut pro summi Dei et apostolicae sedis reverentia pacem per eos initam, saltem dicta expeditione durante, inviolabiliter observare procurent, ne tantum bonum quod dextera Domini² assistente secuturum speramus et optamus, aliqua interveniente discordia et dissensione, valeat impediri. Et ne praelati ac alii ad praesens concilium, quod fere quinquennium duravit, laboribus et expensis ulterius fatigentur, et ut eorum ecclesias visitare et consolari
45 possint, ac aliis certis rationabilibus et iustis causis praesens concilium

1 Le 1, 78. * Cf. Ex 15, 6; Ps 117, 6.

without alteration for ever, and that those carrying them out are to see that they and their contents are observed, namely: in the Roman curia, the current governor of our mother city and our vicar as well as the auditor general of the apostolic camera, who have the power to oblige and compel persons subject to them ; and outside the Roman curia, we depute for this purpose each and all local ordinaries. We forbid each and all of Christ's faithful, under penalty of immediate excommunication, to presume to interpret or gloss what has been produced and carried out in the present council without our permission and that of the apostolic see.

We decree, with the approval of the sacred council, that the said campaign against the infidels is to be undertaken and carried through. Zeal for the faith prompts us to this. It has been so often proposed and promised by us and our predecessor Julius in the sessions referred to, when the business of the council was being explained. On several occasions it was communicated to, and discussed with, spokesmen at our court representing kings and princes. Pope Nicholas V, our predecessor of pious memory, summoned a general expedition against the infidels after the disastrous fall of Constantinople in order to crush their fury and to avenge the wounds of Christ. Callistus III and Pius II, of happy memory, our predecessors as Roman pontiffs, urged on by zeal for the faith, followed in the same path with skill and energy. During a subsequent period of three years, we imitated them by means of an authorisation from ourselves and our said brothers for imposing and exacting a tithe on the revenues of churches, monasteries and other benefices throughout the world and for doing each and every other thing that is necessary' and customary in a campaign of this kind. We continually pour forth holy, humble and earnest prayers to almighty God that the campaign may have a happy outcome. We order the same to be done by all Christ's faithful of either sex. We exhort Maximilian, the emperor-elect, and kings, princes and Christian rulers, whose courage God bids us to rouse, beseeching them *by the tender mercy of our God* Jesus Christ, and appealing to them by his fearful judgment to remember that they shall have to render an account of their defence and preservation — even by giving their lives — of the church itself, which has been redeemed by Christ's blood, and to rise up in strength and power for the defence of the Christian faith, as is incumbent on them as a personal and necessary duty, with all mutual hatred being set aside and quarrels and conflicts among themselves being committed to everlasting oblivion. At this time of such great need, let them offer with eagerness their ready assistance in keeping with their resources. We urge with paternal affection and ask them that, at least during the campaign, out of reverence for almighty God and for the apostolic see, they assure the unbroken observance of the peace into which they have entered, so that such an important good, which we hope and desire will be obtained with the help of the Lord's right hand², may not be impeded by some interruption from discord and dissension.

In order that prelates and others at the present council, which has lasted for nearly five years, may not be further wearied by their labours and expenses and so that they may be able to visit and bring encouragement to their churches, and for other reasonable and just causes, we bring the present council to a close and

¹ Lk 1, 78. ² See Ex 15, 6; Ps 117, 6.

absolvimus et cum benedictione Domini dimittimus, omnibusque et singulis in eo existentibus ad propria remeandi, sacro eodem approbante concilio, licendam concedimus. Et ut ad propria, aliquibus spiritualibus muneribus refectione, cumulatione gaudio remeare possint, illis eorumque familiaribus plenariam omnium peccatorum suorum remissionem et indulgentiam semel in vita, et in mortis articulo elargimur. Nulli ergo . . . Si quis autem . . .

we discharge it with the Lord's blessing. With the approval of the same sacred council, we grant permission to each and all who are present at the council to return to their own countries. In order that they may be able to go back with ever increasing joy and strengthened with spiritual gifts, we impart to them and to all their attendants a plenary remission and indulgence for all their sins, once in their lifetime and again at the hour of death. Let nobody therefore ... If anyone however ...